(Dis)Avowal of State Violence:

Public Confessions of Perpetrators of State Violence against Kurds in Turkey

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Declaration

I hereby declare that this dissertation is the result of my own work, except where explicit reference is made to the work of others.

It is not substantially the same as any that I have submitted, or, is being concurrently submitted for a degree or diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text.

I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text

It does not exceed the prescribed word limit for the relevant Degree Committee.

Abstract

Confession is generally considered as a truthful, authentic and sincere revelation about one's inner self and believed to result in cathartic effects for both the individual and society, by relieving the person from the feeling of guilt, enabling him to accept the significance of the deed and recognising himself as a wrongdoer as the first step before reintegration into society. The causal and linear link between confession, truth and responsibility, and the therapeutic understanding of confession, informed by its long history in religion, law and psychoanalysis, has also influenced transitional justice processes across the world reinforcing the belief in the power of 'truth' and confession in healing individuals and societies following periods of conflict. This thesis is an attempt to reveal the discontinuities between confession, truth and justice through an analysis of the public confessions of state actors in Turkey regarding the atrocities against Kurds during the 1990s, when the conflict between Turkish Armed Forces and the Kurdish armed group Kurdistan Workers' Party (Partiya Karkerên Kurdistan – PKK) was at one of its peaks. Defining confession as a performance and a performative speech act with specific truth and subject effects, this thesis analyses the effects of confessional performances of the Turkish state actors on guilt, responsibility and accountability for state crimes. The specific questions that I seek to answer are as follows: How do the perpetrators of state crimes give an account of themselves and their acts? What are the rhetorical and performative strategies that perpetrators employ in their confessional accounts? What can confessional accounts of perpetrators tell us about responsibility and accountability for state crimes? Drawing upon sociological, legal and philosophical studies on confession, in particular, Leigh Payne, Michel Foucault, Jacques Derrida and Peter Brooks, I will argue that confession is simultaneously an avowal and a disavowal of wrongdoing and associated guilt and responsibility. Challenging the binary between speech and silence regarding state crimes, I will argue that confession does not only reveal but also conceal.

Keywords: public confessions, state crime, perpetrators, performativity, Foucault, transitional justice, Turkey, Kurdish Question

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INTRODUCTION

Murat Aslan, a 25-year-old Kurdish teacher and political activist, was detained by a group of security officers in Diyarbakır on 10 June 1994 and was never seen again.[1] Despite the eyewitness accounts, the authorities denied Aslan's detention and his family's efforts to find him remained inconclusive for a decade. In 2004, ten years after the unofficial detention and disappearance of Aslan, Abdülkadir Aygan, a former PKK member working for the Gendarmerie Intelligence and Counter Terror (JİTEM), an extra-legal unit within the gendarmerie, made confessions to the *Ükede Özgür Gündem* newspaper about the forced disappearances and political killings they committed in Kurdistan[2] during the 1990s.[3] Aygan said that Murat Aslan was kidnapped by JİTEM, tortured, his body burnt and buried in a village in Şırnak. Following Aygan's confessions, Aslan's family travelled to the village to find where their son was buried. The human remains exhumed from the grave the family located with the help of an eyewitness were formally identified by the Forensic Medicine Institute in Istanbul as belonging to Aslan. Although a case was opened against several military officers, no one has yet been brought to justice.

Aslan's brother said in an interview that his mother had embraced the newspaper containing Aygan's confessions and cried for hours.[4] His father, who took his bones to Istanbul for forensic tests said "The bus takes 17 hours from Diyarbakır to Istanbul. I held my son's bones on my lap for 17 hours".[5] No matter how painful the details were, the simple fact of finding out what happened to their son, finding his bones and having a decent burial for him were crucial for the mourning parents. The significance of the facts revealed by Aygan's confessions for the family is self-evident. Considering the lack of evidence in cases of forced disappearances and political

[1] Sezgin Tanrıkulu and Selahatting Demirtaş, 'Bir Kayıp Hikayesi: Murat Aslan', Human Rights Association, Press Release, 2 February 2005, retrieved from http://www.ihd.org.tr/b-kayip-hayes-murat-aslan/

[2] Kurdistan refers to the region where Kurds live that is divided between Iran, Iraq, Turkey and Syria. In this context, I use it to refer to the region where Kurds live in Turkey.

[3] 'Mahkemeden Ölüm Tarlasına', ülkede özgür gündem, 11 March 2004, retrieved from http://bianet.org/bianet/insan-haklari/30864-mahkemeden-olum-tarlasina

[4] 'Bir Kayıp Hikayesi Murat Aslan', Bas Haber, retrieved from http://bas-haber.com/tr/news/15728/bir-kayip-hikayesi-murat-aslan#sthash.rT6sHptW.dpuf

[5] Zeynep Erdim, 'Geriye Muhatap Olunacak Kim Kaldı?', *Bianet*, 9 July 2010, retrieved from https://bianet.org/biamag/diger/123287-geriye-muhatap-olunacak-kim-kaldi

killings during the 1990s and the official denial of these atrocities, perpetrators'[6] confessions have emerged as the main evidence that facilitates the judicial process in the families' search for truth and justice. Yet, in the case of Murat Aslan, 24 years after his forced disappearance and 14 years after the beginning of the trial, the perpetrators have still not been brought to justice and Aslan's killing by the state has not been officially acknowledged. After going back and forth between civilian and military courts due to jurisdictional disputes, Aslan's case[7] was later combined with other JİTEM-related cases in 2014. Like in other cases of forced disappearances and extrajudicial killings, the perpetrators continued to enjoy impunity, and some were promoted to higher positions.[8]

Aygan's confessions revealed crucial information, including forensic evidence for about 30 cases of forced disappearances and offered a rare moment of insight into the operation and structure of the JİTEM's death squads in Kurdistan. The acknowledgement of state crime by its very perpetrators can be considered crucial in the face of official denial not least because of the nature and extent of the crimes committed, among them forced disappearances and death squad killings (Jelin, 2016; Neier, 1994). Official denial of past atrocities by covering up past records, censorship, and criminalising any opposition, or other forms of denial at the level of society as well as the lack of political will to account for past state crimes, make truth-telling even more crucial in the aftermath of conflict (Cohen, 1995). Depending on the political context, confessions might also initiate public debate about the past, making it difficult for the state to deny the existence of such crimes. It is for that reason that perpetrators' confessions both in Turkey and in other countries have been utilised by

[6] In this thesis, I will use the notion of perpetrator to refer to those who have been directly involved in the atrocities either by committing the act or by giving the order. The notion of perpetrator is multifaceted and contains plenty of grey areas. When responsibility is defined in a wider form including those who gave orders, those who created a climate to incite acts and those who failed to prevent acts that constitute gross violations of human rights, the picture gets more complicated. For a discussion of these grey areas, please see Foster et al. (2005: 4-6) and Elster (2004).

[7] The significance of Murat Aslan case stems from the fact that it was the first case that led to the investigation of Abdülkadir Aygan's confessions and it was widely covered by the media at the time. For example, see 'PKK itirafçısı: Musa Anter'i biz öldürdük', *Hürriyet*, 4 February 2005, retrieved from http://www.hurriyet.com.tr/gundem/pkk-itirafcisi-musa-anteri-biz-oldurduk-38692542

[8] For example, Musa Çitil, who was accused of extrajudicial killing and enforced disappearance of 13 civilians in Mardin/Derik where he was the District Gendarmerie Commander from 1992 to 1994, was acquitted of the charges and in 2015 he was promoted as the Diyarbakir Gendarmerie Regional Commander. For similar cases of impunity, see 'New State Policy Aims to Cover up Atrocities in 1990s!', Centre for Truth, Justice and Memory, 4 September 2015, retrieved from http://hakikatadalethafiza.org/en/new-state-policy-aims-to-cover-up-atrocities-in-1990s/

human rights groups and victims' associations to further their demands for truth and justice, regardless of any disbelief, cynicism, anger or revenge they might have (Payne, 2008). At the same time, reducing the confessional accounts of perpetrators to forensic truth would result in ignoring or undermining the larger effects of confessions. Although confessions might reveal much-needed information for the families of the victims of state crime, there is a big gap between what they demand and what the perpetrators can provide. The victims' families' quest for truth and justice goes beyond the question of what happened to the body of their relatives, to why and by what right that act took place (Doxtader, 2011; Uçarlar, 2015). They strive for not just an account of what happened, but accountability (Doxtader, 2011). It is this gap between the discourse of truth in perpetrators' confessions and the truth that the victims demand, which I have set out to analyse.

In this thesis, I will examine public confessions of state actors in Turkey on atrocities against Kurds during the 1990s, when the conflict between Turkish Armed Forces and the Kurdish armed group Kurdistan Workers' Party (Partiya Karkerên Kurdistan – PKK)[9] was at one of its peaks. Defining confession as performance and a performative speech act, I will analyse the performative effects of confessional accounts of perpetrators on guilt, responsibility and accountability for state crimes drawing upon sociological, legal, and philosophical studies on confession, particularly Foucault (1978, 1995, 2014a, 2014b), Hepworth and Turner (1979, 1982), Payne (2008), Brooks (2000) and Derrida (2002), employing the theory of performativity as developed by Derrida and Butler based on Austin's speech act theory (Derrida, 1988, 2002; Butler, 1997; Austin, 1962). The specific questions that I seek to answer are as follows: How do the perpetrators of state crimes give an account of themselves and their acts? What are the rhetorical and performative strategies that perpetrators employ in their confessional accounts? What can confessional accounts of perpetrators tell us about responsibility and accountability for state crimes? Before I

[9] The PKK, formed in 1978, is based in Northern Iraq and has been waging a guerrilla war against the Turkish army in eastern and southeastern regions of Turkey since 1984. It has mainly originated from the Marxist organisations in Turkey active in the 1960s and 70s Turkey (Jongerden and Akkaya, 2011; Ozcan, 2006). Following a period of ideological group formation (1973 – 1977), the PKK was established on 26-27 November 1978. PKK's initial aim, as described by its leader Ocalan in the 1978 manifesto, was the establishment of an independent, democratic and united Kurdistan ruled based on Marxist-Leninist principles. The goal of the PKK has changed over the years and currently it is pronounced as securing the rights of the Kurds under a new understanding of socialism, namely democratic confederalism in Turkey.

further elaborate on what I set out to do with this research, three things must be made clear at the outset about what I do not intend to do. Firstly, this thesis is not concerned with the primary causes or the motivations of perpetrators to confess. It does not ask 'why people confess' but rather 'how they confess' and 'with what effect'. An individual can confess for various reasons, including out of remorse, revenge, external pressure, to avoid torture or get reduced sentences, to protect others, to draw attention or for other reasons. Rather than engaging in a theoretically fruitless exercise of searching for the primary causes for confessions (Hepworth and Turner, 1982: 16), I aim to understand the processes of confessional speech-acts and their effects in specific social, political and historical contexts. Secondly, what I am interested in is not the 'truth value' of confessions, but rather how confessional speech-acts construct the truth. I will analyse not only what confessions say but, more specifically, what they do. Thirdly, while I will address the uncertainties and ambivalences of confessions in general, the conclusions I draw concern specifically public confessions of state violence.

Setting the historical context

The confessional accounts I will examine are concerned with state violence against Kurds during the 1990s when the conflict between the PKK and the Turkish state was at a peak. Following the start of the armed conflict in 1984, and particularly after the introduction of state of emergency regime in Kurdish provinces in 1987, the Turkish state has increasingly resorted to extra-legal and illegal methods of warfare using death squads and paramilitary groups to suppress the local population and anyone deemed to be supporting the PKK (Jongerden, 2001; Zürcher, 2004; Bozarslan, 2008). Everyday life in Kurdistan during the 1990s was characterised by more than a decade of systematic state violence, including torture, arbitrary detention and prosecution, forced disappearances, political killings, and forced displacement (HRW, 2012). Lasting for more than 30 years and continuing to this date, the conflict has resulted in the death of tens of thousands of people and gross atrocities against the Kurds. The daily reality of the Kurds was defined by such forms of state violence as well as curfews, embargoes, arbitrary identity checks and road controls and humiliation, in stark opposition to the reality of the rest of the country.

While JİTEM was held responsible for a significant majority of the atrocities, Special Forces within the military and the police have been implicated in large-scale violence against civilians. There were also active paramilitary and far-right groups in the region committing crimes against Kurds using the resources, intelligence and networks of the state.[10] In addition to the former PKK members working for the state and a network of local informants, the state also initiated the village guard system under which villagers were recruited to fight against the PKK.[11] Formed by the state, endowed with extraordinary powers and resources, these death squads and paramilitary groups were conveniently located outside the state. The state has continuously denied their terrorising presence felt by the local Kurdish population. As the news of the atrocities spread through the testimonies of the victims and witnesses, reports by local and international human rights organisations, parliamentary debates and the media, the state has engaged in different forms of denial, ranging from outright denial of the existence of any violation, to partial acknowledgement and rationalisation in the name of national security, national unity and counter-terrorism.

Furthermore, oppositional voices against state violence were criminalised through judicial harassment, threats and violence. Speaking out against state violence and the impunity of state officials has been a costly exercise threatening one's very being. Activists, journalists and politicians were prosecuted for making propaganda, praising a crime or a criminal or insulting the state, under anti-terror laws that have been employed in a broad, arbitrary and vague manner. Those who could not be silenced and who were considered a threat to the official denial discourse were assassinated or forcibly disappeared. Media outlets, particularly the Kurdish media, reporting on state violence against civilians were targeted through legal and physical threats. Self-censorship was pervasive as many journalists and intellectuals chose not to direct their attention to the conflict due to legal threats reproducing silence and denial. While Kurdish political activists, human rights groups and victims' associations continued to challenge state violence, there was complete impunity for the state

[10] Among them are the *Hizbullah*, an Islamist paramilitary group in Kurdistan and the Turkish Revenge Brigade, a far-right paramilitary group, both of whom were actively supported by the security and military units in their attacks against civilians.
[11] In March 1987, there were reportedly 6.000 village guards; by 1994 that figure had jumped to around 45.000 (HRW, 1994: 27).

officials responsible for grave violations. As a result of different forms of denial performed by the state authorities, the so-called Kurdish question became one of the 'taboo' subjects in Turkey, alongside with other issues including the Armenian Genocide.

While deeply ingrained in the memories and the bodies of the Kurds, there has been no mechanism to confront and account for the state crimes committed during the 1990s, except the initiatives by victims' associations and human rights organisations. Criminal cases into forced disappearances and political killings were futile, few in number and continued over two decades but with no consequences (HRW, 2012; Alpkaya et al. 2013). Criminal cases often failed to judge the full extent of state violence reducing the crimes to individual acts with no account of wider mechanisms of responsibility. High-ranking state officials have rarely been brought before justice, and several key actors who have been implicated in political violence are still in the public realm in key positions. Parliamentary inquiry commissions into some of the atrocities remained ineffective, both in terms of leading to criminal investigations or igniting public debate. Apart from the left-wing and liberal opposition groups and human rights organisations, large segments of society remained silent in the face of widespread political violence against Kurds, as did the international community. Few episodes of intense public debate on the past, especially during the Susurluk and Ergenekon trials[12] about the extra-legal activities of the state have been short-lived, quickly resulting in the reinforcement of the status-quo.

Despite the official denial of atrocities, criminalisation and suppression of the opposition, media censorship and widespread impunity, I argue that the last two decades in Turkey can be hardly defined by *silence*. On the contrary, there has been a proliferation of discourses on state violence, even within in spaces of the exercise of power, as it can be seen in parliamentary debates, parliamentary inquiry reports and mainstream media reports on 'deep state' and *kontrgerilla*. The books on 'deep state', the term referring to the extra-legal activities of the state have become a *genre* following the increasing number of books written on the Turkish state's links with

[12] For studies on the 'deep state' in Turkey in the context of the Susurluk and the Ergenekon trials, see Park (2008) and Ünver (2009).

illegal groups and the right-wing mafia.[13] Apart from the books written by journalists, in the last decade, there has been an increase in memoirs and autobiographies by state and military officials who have taken part in the conflict with the PKK, some written in a patriotic way, others in a more apologetic way.[14] Special programs and documentaries on the 'deep state' dominated the popular factual TV shows. Most importantly for the aims of this research, there have been confessions by both low-ranking and high-ranking state actors on atrocities against Kurds, beginning in the early 1990s. In addition to the confessions and revelations by anonymous state actors, several key state actors who have been directly involved in atrocities during the 1990s made confessions to print and broadcast media and wrote confessional memoirs, which have received wide public and media attention. These confessions were not necessarily repentant or remorseful confessions, rather involved complex layers of feelings, including remorse, bursts of anger, pride, guilt, resentment, revenge and betrayal. Some of these confessions revealed crucial information on dozens of cases of extrajudicial killings and disappearances, and as a result, several graves were found[15] and investigations and prosecutions were brought against some state officials.

Considering the media sensationalism over confessions and the proliferation of TV debates and best-selling confessional books on the state's illegal and extra-legal activities, it can be argued that the 'truth' about the atrocities committed during the 1990s has not been totally suppressed. What happened was not complete silencing of speech but rather its control and regulation. The restrictions on certain forms of speech went hand in hand with new rules and new forms of control over speech.[16] Thus it is a matter of 'determining who can say what and in what limits' and 'which type of discourse is authorised or which form of discretion is required in either case'

[13] For example, see the following article about the proliferation of books on the 'deep state': Gülden Aydın, 'Birinci hamur kağıtta derin devlet iç savaşı', *Hürriyet*, 29 November 2010, retrieved from http://www.hurriyet.com.tr/birinci-hamur-kagitta-derin-devlet-ic-savasi-16394633

[14] The patriotic examples include the books written by Osman Pamukoğlu, Erdal Sarızeybek and Atilla Uğur, while Hanefi Avcı's book can be considered as a more apologetic one.

[15] Following Aygan's confessions, bodies of the forcibly disappeared Murat Aslan, Edip Aksoy and Orhan Cingöz were found. See Perinçek, M. (2008), *Kayıplar ve Toplu Mezarlar Cehennemi*, Human Rights Association, retrieved from http://www.ihd.org.tr/kayiplar-ve-toplu-mezarlar-cehennemi/. Hasan Ergül's body was found in 2009. See Ferit Aslan, 'JİTEM itiraflarına 14 yıl sonra acı ispat', *Radikal*, 23 June 2009, retrieved from http://www.radikal.com.tr/turkiye/jitem-itiraflarina-14-yil-sonra-aci-ispat-941859/

[16] The idea here has been inspired by Foucault's discussion of speech and repression of sexuality in the *History of Sexuality* (Foucault, 1978: 18)

(Foucault, 1978: 27). Confessions of state violence in Turkey indicate that while silence is not the limit of speech or discourse, speech is not the end of silence, or in other words, confession does not necessarily reveal the unknown, but can further conceal it.

However, in an atmosphere of taboo and silence about state violence, speech and silence are put in opposition to each other, and the mere fact of speaking about it appears as a deliberate transgression of that repression (Foucault, 1978). Those who speak about state violence are considered as outside the reach of power. A dualistic relationship is established between the lies and secrecy of the past repressive regime and truth and justice in the present (Daly, 2008). Besides, by its very nature, when a speech act is circulated as a confession, it implies that something secret or hidden, and that has long resisted speech is being revealed (Brooks, 2005: 74). These attributes give confessional speech-acts even more power. This is based on the long-standing idea that truth is associated with exposure and the revelation of secrets (Bratich, 2006; Dean, 2002; Docherty, 2012). Wendy Brown (1996: 186) also reminds us that breaking silence, which has been regarded as a tool of emancipation, "carries its own techniques of subjugation", as in the case of confessional discourse.

I aim to question this binary between speech and silence, confession and secrecy through an analysis of public confessions of perpetrators of state violence against Kurds during the 1990s. The main argument of the thesis is that *public confession of state crime functions simultaneously as an avowal and a disavowal of the crimes confessed*. Confession is a performative speech act entangled with excuses, justifications, evasions, silences and denials. While acknowledging the wrongdoing committed and in some instances admitting guilt and responsibility, a confession simultaneously effaces guilt and responsibility through different rhetorical and performative strategies. Before I discuss the methodological and the theoretical framework I will use to analyse the strategies that perpetrators use, and the effects of their confessional accounts, I will first clarify the conceptual and contextual boundaries of my study of confessions.

Defining confession

Lying at the intersection of religion, law, psychoanalysis and literature, confession[17] is a politically and historically loaded concept, which makes it difficult to define and analyse within a single discipline and in an isolated way. While sharing some standard features, confession has taken varying forms and uses in different domains and historical periods. Although I will not work on a strict definition of confession, here I will provide a brief discussion of the main features of the modern understanding of confession as informed by its history. My use of the word 'confession' in English extends over both its religious and civil meanings referring to a variety of reflexive truth acts.[18]

Modern understanding of confession mainly refers to forms of self-expression in which all events, facts, ideas are personalized and narrated in the first-person (Gerbner cited in Tell, 2012). Its widely-accepted meaning is a verbal acknowledgement of one's acts, thoughts, feelings or desires which are considered shameful, wrong or guilt-worthy in a specific social, legal and moral context.[19] Confession has taken different forms throughout its history, and did not necessarily involve giving a detailed account of one's inner thoughts or feelings of guilt. In ancient pagan societies, for example, confession mainly focused on the *act* confessed. Yet, the dominant form of confession that I am concerned with in this thesis is

[17] The Turkish word used to refer to confession is *itiraf*, a word of Arabic origin. *İtiraf* in Turkish means to acknowledge an act that is regarded as shameful by others or to reveal a hidden truth. While *itiraf* is used in a general context to refer to an acknowledgement of a wrongful act, a crime or a sin, or in general, intimate revelations about oneself, in the judicial context, the word *ikrar* is used to refer to confession which means acknowledging that one is guilty of a crime.

[18] In French, the dominant connotation of the word 'aveu' tends to be in the legal context, both civil and penal, and involves a juridical confession. The dominant connotation of 'confession' on the other hand, tends to be in the religious context and involves the Catholic confession. Foucault in his English lectures used the term 'confession' to refer to the word French 'aveu'. The use of the word 'confession' in English covers both the religious use of the term, that is the sacramental confession, and the general use of acknowledgement. Avowal has a wider meaning in English, that is, to acknowledge, approve or vouch for something. See 'Translator's Note' in Foucault (2014a: xviii)

[19] According to its dictionary definition, a confession could mean a formal statement admitting that that one is guilty of a crime; an acknowledgement that one has done something about which one is ashamed or embarrassed; a formal admission of one's sins with repentance and desire of absolution, especially privately to a priest as a religious duty; and intimate personal revelations, depending on its context. The term 'confession' is also used in the sense of confession of faith, that is, a statement setting out essential religious doctrine. See the entry 'Confession' in Oxford Dictionaries: http://www.oxforddictionaries.com/definition/english/confession

confession as an expression of one's inner *self*.[20] Confession as self-expression goes beyond a simple acknowledgement of wrongdoing. The phrase 'I killed him' uttered in the form of a statement is different to the phrase 'I killed him' uttered in the form of confession. An acknowledgement brings to the fore what was previously unknown, whereas confession involves a certain cost and what it reveals has a "precise meaning, a particular motive and a great value" (Foucault, 2014a: 15). In his 1979-1980 *Collège de France* lectures published as *On the Government of the Living*, Foucault (2014a: 82) argues that confession is when someone says this is what I did, this is what took place in the depths of my conscience, these are the intentions I had, here is what, in the secret of my life or the secret of my heart, constituted my fault or my merit'. That is, unlike a constative statement, confession is a performative speech act involving a detailed narrative of an individual's inner thoughts, feelings and intentions. The other difference between a statement and a confession is the context and expressed or tacit accusatory demand, following which guilt, anguish, and responsibility all immediately enter the frame (Docherty, 2012). Even in cases when the confessing subject does not feel guilty or express remorse for his acts, confession is entangled with self-justification. Whether remorseful or not, the demand for absolution is inscribed in confessional speech-acts.

The other defining aspect of confession is that it is an interlocutory act. Confession is always addressed to someone else, who could be a psychoanalyst, a confessor, a friend, a journalist or a virtual audience, turning confession into a social act and a performance. The audience is not just an interlocutor but an authority that understands, judges, forgives or sympathises with the confessing subject (Foucault, 1978; Foster, 1987). The subject of this thesis is the confession of a crime, specifically, state crimes. However, as studies on false confessions show, there does not have to be a transgression or wrongdoing for a confession to take place (Gudjonsson, 2003; Brooks, 2000). Furthermore, although confession is about an act

[20] Dave Tell (2012) argues that expressive confession is a historically specific form of confession which has its roots in the 18th century. The existence of different forms of confession in ancient pagan societies, which mainly focused on the *acts* confessed, confirms Tell's claim. However, as Foucault (2014b) has shown in his analysis of confessions in monastic institutions, confession in the form of self-expression has existed before the 18th century. Furthermore, even confessions that focus on the act, such as those in ancient pagan societies, still concern the confessing subject's guilt or innocence. In that sense, although I do not categorically rule out confessions that merely acknowledge a wrongful act, I argue that confession is inherently concerned with the confessing subject.

considered shameful, confession does not need to be marked with feelings of guilt or shame, and anything that is considered a taboo can produce a confessional narrative and associated self-overcoming feeling (Terry, 2006). One can confess without engaging in a remorseful performance, on the contrary, a confession can be characterised by sadistic, proud or heroic feelings.[21] These two points show that one always needs to consider the social, cultural, moral and historical context to understand what defines confessional speech-acts.

Although confession is widely regarded as an authentic form of truth-telling, the relation between confession and authenticity is also a contentious issue. On the one hand, as the rise of confessional culture in the modern world shows, there is a strong urge towards confession; on the other hand, there is a strong suspicion of its authenticity (Brooks, 2000; Tell, 2012). There are several reasons for the uncertainty and ambivalence about the truthfulness and authenticity of confessions, including the complexity of human psychology, the historical link between confession and violence in both judicial and religious structures from Ancient Greece to modern societies, the rise of confessional culture in the modern world and the keen interest in confessions leading to a tendency to call any personalised narrative or any text 'confession'. Regardless of its authenticity or truthfulness, circulating a text as a confession makes it appear as a truthful account and what gives it power is the common understanding of confession as the 'truth'. Having said that, the definition of confession is not independent of the reception of the audiences (Tell, 2012). Tell argues that defining a text as a 'confession' is a political act and brings new power to the argument made and virtually any text can be circulated as a confession (Tell, 2012: 2-3). Similarly, the strong media and public interest in confessional discourses in Turkey led to a tendency to name any revelation of hidden information 'confession'. Confessions in Turkey did not always include feelings of remorse, regret or a plea for forgiveness as is expected from the general understanding of confession. Besides, a revelation which is not necessarily called confession might still be received as a confession without

[21] Some of the cases that I will analyse in the thesis are patriotic and heroic confessions with no performance of guilt or remorse. Payne (2008) distinguishes confessions she analysed in the Latin American context and South Africa into remorseful, sadistic, heroic confessions, in addition to denial and silence. Confessions of Osvaldo Romo Mena, a civilian member of the Chilean dictatorship's secret military-police unit is an example of sadistic confessions (Payne, 2008: 107).

fulfilling the accepted conditions of a confessional speech act.[22] In this thesis, I include confessional accounts that appear both as remorseful and patriotic.

To sum up, this thesis is based on the premise that confession is a self-reflexive truth act in front of an audience giving an account of past wrongdoing. It acknowledges that the definition of confession is a historically and socially situated and a politically loaded one. Although I do not go as far as Tell (2012) to argue that any text that has been called a confession is a confession, I contend that the context is defining in both the conceptualisation and the reception of confession. As I will show in the next chapter, drawing on Foucault's genealogy, the dominant understanding of confession in modern society has been largely influenced by the religious, legal and psychoanalytical notion of confession and further reinforced through its uses in popular culture. This can be seen in the use of confessions in transitional justice processes, particularly in the South African Truth and Reconciliation Commission. While historical interpretations and practices of confession influence its reception by its audiences, its reception in a specific historical and political context transform the theory and practice of confession. For the aims of this study, I will discuss both the reception of confessional discourse in modern Turkey as well as how this discourse was shaped by the historical interpretations of confession.

Confession in Turkey

Confessional discourse, its effects and its interaction with the audiences, are contingent on their cultural and historical context, requiring a discussion of the reception of confessional discourses in Turkey. The literature on confession is mostly based on its genealogy in Western societies, particularly in early Christianity and Catholicism (Tentler, 1977; Taylor, 2009; Foucault, 2014b; Hepworth and Turner, 1982). These studies imply a linear development from St Augustine's *Confessions* to

[22] The term *tevil yoluyla ikrar* in Turkish law, which means implicit acknowledgement of a crime is an example of that. While I agree with Tell that any revelation might be received as a confession as it happens in the case of Turkey, I argue that calling an account confession does not guarantee its successful reception as a confession by the audiences. Felicity of confessional speech-acts depends on several factors closely related with the general assumptions about confessional discourse. There are specific rules for felicitous reception of a confessional account, informed by its cultural history - albeit not rigid and continually transforming.

Rousseau's *Confessions*, linking the rise of confessional autobiography to the emergence of subjectivity in the West. Foucault, who inspired my research, argues that the confessional form of truth-telling in Christianity marks the birth of hermeneutics of self in the western world (Foucault, 2014: 141) and emphasises that his study of confession relates specifically to Western Christian societies.[23] Foucault's warning is a crucial and appropriate one, as his account of confession is historical and contextual and it should not be treated as an ahistorical theoretical framework that could be applied to any historical or cultural context. However, the argument that confessional culture is intrinsic to the Western world is one that should be contested. As I will show in Chapter 1, confession of sin was not specific to Christianity but also existed in ancient pagan and eastern religions, albeit in different forms and with various functions. Confessional practices in the ancient pagan religions in the Asia Minor or Christianity did not necessarily influence the practices of repentance in Islam. Unlike in Christianity where confession of sins is ritualised and verbalised, in Islam forgiveness can be fulfilled through prescribed rituals and actions relating to penitence and purification of sins, which are individualistic in essence. The Prophet's sayings indicate that a sinner who regrets his sin can obliterate it by a good deed. Unless accumulation of sins become deeply imprinted and cannot be removed, God accepts all genuine and sincere repentance, which should be accompanied by religious practices.

The absence of confession as an institution in Islam does not necessarily mean self-examination or first-person narratives are absent in Islamic societies. Existing studies on first-person narratives in the Ottoman Empire refute the common perception - even among critical scholars[24], - that first-person narratives such as autobiography, memoir or diary as a genre did not exist in the Ottoman literature, at least before the reform process in 1839 (Reynolds, 2001; Lewis, 2004; Kafadar, 2009; Enderwitz, 2016).

[23] Foucault acknowledges that although there is a tendency to regard the relationship between writing and the narrative of the self as a phenomenon specific to European modernity, people have been writing about themselves for two thousand years, but not in the same way (Foucault in Dreyfus and Rabinow, 1983: 250). While he does not argue that confession is unique to Western culture, he argues that the form of avowal that penetrated the practices and institutions of Western society hardly existed before Christianity. Rather than denying the existence of confessional practices in other cultures, he emphasises the specificity, particularity, and importance of techniques of the self in Christianity (Foucault, 2014: 93).

[24] Edward Said (1978: 81) states that "Autobiography as a genre scarcely exists in Arabic literature. When it is to be found, the result is wholly special".

This perception is based on the claim that the sense of individual self and autonomy, which is supposed to be a Western phenomenon, did not exist in the Ottoman society where there was a focus on collectivity and community. Reynolds (2001: 17) shows how after the World War II, the "Western literary critics suddenly ceased to write of autobiography as a literary category parallel to 'novel' or 'biography' both of which easily admit of cross-cultural and historical comparisons, and began instead to treat it as the exclusive creation of the modern West". Many established a direct link between autobiography and Christianity, in this way ignoring autobiography in non-European or non-bourgeois societies (Reynolds, 2001; Enderwitz, 2016). As Enderwitz remarks, even Al Ghazali's *Savior from Error* counts little in comparison with St Augustine's *Confessions*. Besides, studies that establish a direct link between St Augustine's *Confessions* and the emergence of Western subjectivity often ignore the historical context and St Augustine's ethnic background in favour of his religious background.

Challenging this 'fallacy of western origins' (Reynolds, 2001), and the lack of interest in autobiographical literature in Eastern societies in general, scholars such as Lewis (2004) and Kafadar (1989, 2009) give various examples of first-person narratives from the Ottoman Empire including diaries, dream logs, and autobiographies, in addition to other examples in medieval Islamic societies, such as Al Ghazali, Ibni Sina and Nasir-i Husrev. Lewis (2004: 396) argues that first-person narratives existed in both pre-Islamic and Islamic societies in the Middle East, well before the "sudden outpouring of the writing and the publication of memoirs" after the Young Turk Revolution of 1908. The 'fallacy of Western origins' resulted in using structural and rhetorical characteristics of the western autobiographies in 'measuring the level of 'self-consciousness' and 'individual identity' present in other historical periods and other cultures' (Reynolds, 2001: 19), rather than comparing them and analysing their specific features.[25]

[25] To give an example of confessional literature in Ottoman Empire, Asiye Khatun, a Muslim woman from a Balkan town keeps a dream diary which consists of her dreams and her correspondence with her new Sheik about her feelings of guilt, shame and desires, particularly relating to her loss of allegiance to her former Sheik and her religious developments. One specific feature of her diary, like other narratives from that period, is that she does not use the pronoun 'I' but rather *fakire* [this poor one] which is a way of referring to oneself influenced by the Islamic mysticism. For more information see Kafadar (1989, 2009).

Autobiographical literature was widespread in the Ottoman Empire and took a more political form in the 18th and 19th century becoming more prominent during the Republican period. In the process towards the formation of the Turkish nation-state, autobiographies aimed to legitimise not only the Turkish Republic but also the authors' roles in it (Göçek, 2015). Writing memoirs is still a common practice for the retired state and military officials in Turkey in the 20th and 21st century. With the long-lasting war with the PKK and high public and media interest in patriotic war narratives, they continue to occupy a big space. Here my aim is not to argue that confessional autobiographies are universal forms of narratives that existed in both Christian and Islamic cultures, nor to ignore the impact of religious confession in Christianity on the Western societies. Instead, I emphasise that the idea of self-examination and reflection on inner selves was not specific to the Western culture and that such narratives existed in different forms in different cultures.

Thanks to cultural globalisation, the culture of confession in Turkey is, thus, influenced by both the confessional forms in the Ottoman Empire, as well as the confessional model in the West (Brooks, 2000: 2). We can argue that confession in popular culture - in the form of reality TV shows featuring celebrity confessions - has become a global phenomenon, and has been a defining feature of the popular culture in Turkey since the 1980s (Gürbilek, 2001). The case of the confession website 'itiraf.com' is also illustrative of this trend. The founder of the website, who used to produce a popular television show on the real-life stories of celebrities, states that what motivated him to set up the website was the public interest in hearing the stories of others. The site became so popular among internet users that at the end of the first year, it drew 10,000 unique visits a day, rising to 64,000 in a few years (Ogan and Çağıltay, 2006). The need to talk about their confessions, getting rid of the burden of guilt, and reading other people's confessions were among the answers given by the users to a survey about their reasons for visiting the website. Although scholarly research on confession in Turkey is highly limited, those familiar with the country would know how common is the understanding that getting something off one's chest is cathartic. The cultural identity of Turkey is not only defined by Islamic culture but is also profoundly influenced by the West; thus confessional culture is characterised by a combination of influences. While I draw upon the scholarly literature on confessional practices in the West, notably Foucault, I put special emphasis on

different forms and functions confession has taken in Turkey. Defining confession as a performative speech act, that is, a relational and situated practice, I acknowledge that the social, moral and legal frameworks that define confession shape the practice and its reception by the audiences.

Confession of state crime

Confession of state crime, in the form of mass atrocity, differs from the confession of ordinary crimes committed by individuals such as murder and theft, due to its collective and bureaucratic nature. Guilt and responsibility in such crimes go beyond the normal standards of criminal responsibility in isolated acts of wrongdoing. As Cohen (1999: 53) states, such collective acts of violence are often "the product of collective, systematic, bureaucratic activity, made possible only by the collaboration of massive and complex organisations in the execution of criminal policies initiated at the highest levels of government". Confession of state crime can take place either in institutionalised forms such as in courts, international tribunals or truth commissions or in the form of public confessions through media interviews, confessional autobiographies, memoirs and public appearances. While I will focus on the latter in my analysis, I will draw upon the literature on both confessions of ordinary crimes as well as the confession of state crime in truth commissions and those outside official mechanisms. Modern understanding of confession is largely shaped by its history in religion and psychoanalysis. Thus, any study of confession needs to consider its long and varied religious and juridical history as well as its place in popular culture, as confession achieves its presumed effects getting its authority from its long and eventful history in those spheres. This is both the source of the concept's richness and the source of the difficulty of studying confessions.

Foucault's study of confession scattered in his works on sexuality, madness, discipline, truth and subjectivity, which this thesis takes its inspiration from, is also a manifestation of this richness and difficulty. In an interview in 1981 Foucault said, "I constantly come up against confession and I wonder whether to write the history of confession as a sort of technique, or to treat this question in the context of studies of the different domains where it seems to play a role, that is in the domain of sexuality

and that of penal psychiatry" (Foucault, cited in Elden, 2005: 39). I also faced this difficulty while studying the theoretical and historical factors that would help the analysis of public confessions of perpetrators of state crime and the effects of their confessions on guilt, responsibility and accountability. Since the significance attributed to confession in transitional justice discourses as well as perpetrators' confessions is largely due to its presumed link with truth and reconciliation, it is necessary to discuss the history of confessional practices to reveal the discontinuities between confession, truth and reconciliation. Therefore, in my analysis of public confessions of state crime, I will refer to the studies on the history of confession in religion, law, psychoanalysis (Taylor, 2009; Hepworth and Turner, 1982; Brooks, 2000; Foucault, 2014b) as well as sociological and criminological studies on perpetrators' confessions (Payne, 2008; Lazzara, 2016a, 2016b; Doxtader, 2011; Moon, 2008).

Confession by perpetrators of state crime has generally been discussed in the context of truth commissions. The literature on perpetrators' confessions outside such official mechanisms is scarce, which is related to the already limited scholarly interest in state crime and its perpetrators (Green and Ward, 2004; Rothe and Friedrichs, 2006; Watts, 2016). Having said that, studies on the perpetrators of genocide, mass killings and political violence have been proliferating in the last 25 years (Critchell et al., 2017). But as Critchell et al. (2017: 2) state in the recently launched *Journal of Perpetrators Research* "it is only in the last five to ten years that research into perpetrators has begun to coalesce into an interdisciplinary field in its own right, with a set of common foundational texts, questions, and concerns". Among the reasons for the scarcity of studies on perpetrators are various ethical and methodological challenges. These include difficulties of gaining access, perpetrators' unwillingness to speak due to the risk of prosecution, security risks for the researcher, and ethical risks of prioritising the perpetrator over the victim or justifying their deeds. Existing studies on perpetrators' accounts focused on their motivations and psychology of perpetrators as well as how they construct the past and give meaning to their acts (Hinton, 1998;

Cohen, 2001; Huggins et al., 2005; Achugar, 2008; Hughes, 2013; Civico, 2016; Foster et al., 2005)[26].

The studies on the accounts of perpetrators, either testimonial or confessional, use a diverse range of methodological and theoretical frameworks from discourse and narrative analysis to performance analysis. One of the first and most extensive analyses of perpetrators' confessions was conducted by Leigh Payne with a focus on Chile, Argentina, South Africa, Brazil and Colombia in her book *Unsettling Accounts: Neither Truth nor Reconciliation in Confessions of State Violence* and her related articles. In addition, there are studies focusing on perpetrators' accounts in specific contexts such as Lazzara (2016a, 2016b) on Chile, Moon (2008), Doxtader (2011), Foster et al. (2005) on South Africa, Huggins et al. (2002) on Brazil, Achugar (2008) on Uruguay. Most studies on confessional or testimonial accounts of perpetrators rely on the sociology of motives (Scott and Lyman, 1968) and techniques of neutralisation (Sykes and Matza, 1957). Stanley Cohen's *States of Denial* is the most prominent book on the forms of denial employed by perpetrators, albeit he does not focus on confessions *per se*. Although I find Cohen's theory of denial and the literature on sociology of accounts useful for my study, I dispute their classification of accounts into separate categories of confession, excuse and justification, arguing that confession is entangled with excuse, justification, evasion and denial.

Development of key arguments: From Foucault to Derrida

My argument relating to the functions and the effects of public confessions is largely inspired by Foucault's studies on confession, as well as other critical legal, sociological, cultural and literary studies on confession. Although these studies differ in their approaches and discuss different aspects of confession, they all scrutinize the spontaneity, authenticity, truthfulness and cathartic effects of confession. Providing an interdisciplinary study of judicial confessions, Brooks (2000) in *Troubling Confessions* calls for deeper scrutiny of the use of judicial confessions in the criminal

[26] The literature on perpetrators of Holocaust and Nazi atrocities constitute a wider space in the field of perpetrator studies from the well-known *Ordinary Men* by Christopher Browning to Hannah Arendt's *Eichmann in Jerusalem*.

justice system due to the uncertainties and ambivalences of the concept. Hepworth and Turner (1982) in *Confession: Studies in Deviance and Religion* analyse the social control and social inclusion functions of confession in religion and law. Tell (2012) in *Confessional Crises and Cultural Politics in the Twentieth Century America* questions the boundaries of the confessional genre through several confessional narratives on sexuality, class, race, violence, religion, and democracy as well as the politics of the act of naming a text confession. In providing a genealogy of confession over a vast theoretical and historical framework, Taylor's *The Culture of Confession from Augustine to Foucault* has been crucial to addressing the complexities of the notion of confession (Taylor, 2009). These studies enabled me to discuss the complexities of confession for the individual conscience and psyche, as well as social and political functions of religious and judicial confessions.

Foucault provides the most extensive study on confession covering a vast period from early Christianity to modern Western society. His concern with confession goes back to *Discipline and Punish* where he deals with the forced extraction of confession from the accused in criminal procedures and religious institutions and its role in the production of the truth of the regime and obedient subjectivities. In *History of Sexuality,* he analyses the role of religious confession in the emergence of sexuality as discourse from the 16th century onwards and its proliferation. Confession has been the most crucial mechanism for showing that sexuality is not something that is silenced, but talked about infinitely and exhaustively, yet only under certain restrictions. While *History of Sexuality* is crucial in demonstrating how the obligation to confess has been deeply internalised by the modern individual, to the extent that we no longer perceive it as the effect of a power that constrains us, *Discipline and Punish* and Foucault's genealogy of confession in his later works provided an astute analysis of the affinity of confession with torture, force and domination, showing that the production of truth is imbued with relations of power.

In his *Collège de France* lectures between 1980 and 1984[27], Foucault redefines the question going beyond the institutions of power and domination and

[27] Foucault's account of confession can be traced back to his 1975 Collège de France Lectures *Abnormal.* His Collège de France lecture series could be considered as a recap of both *Discipline and Punish* and *History of Sexuality Volume I,* which include a discussion of confession in religious and

power/knowledge framework in his earlier studies to the techniques and procedures of governmentality and government/truth framework. For Foucault, each society has its regime of truth, that is, the types of discourse it accepts and makes function as true; the mechanisms and instances that enable one to distinguish true and false statements; the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; and the status of those who are charged with saying what counts as true (Foucault, 2000: 131). The exercise of power in each society is accompanied by a set of verbal and non-verbal manifestations of truth in a broad sense, which goes beyond useful knowledge necessary and sufficient for the exercise of government (Foucault, 2014b: 20-24). It does not only demand acts of obedience and submission, but truth acts in which individuals are subjects in the power relationship (Foucault, 2014a: 82). It is not sufficient for individuals to say, "here I am, me who obeys," but in addition, "this is what I am, me who obeys, this is who I am, this is what I have seen, this is what I have done" (2014a: 82). This means that the role of confession goes beyond the direct social and political functions – although calculation is not absent from them (2014a: 6)– to merely manifesting the truth in terms of subjectivity. Unlike his previous studies where the subject emerges as an effect of power, in these Foucault emphasises the role of the subject in his own subjectivation through acts of truth-telling. Imposed by religious and judicial institutional mechanisms and later internalised by modern societies as arising from natural need to confess, confession is, then, a specific form of manifestation of the truth of the self, reinforcing the regime of truth and creating subjectivities bound to that regime (Foucault, 2005; 2010, 2014a, 2014b).

Foucault's works and other studies I cite are mainly concerned with confessions in institutionalised settings, such as courtrooms or psychiatric hospitals, which are extracted and validated by an authority according to certain conventions. These works, nonetheless, are crucial in shaping my approach and in analysing public confessions for several reasons. First, they question the assumption that confession is an ahistorical natural need resulting in cathartic effects for the individual and the

juridical contexts. While Foucault's original plan was to write one of the volumes of *History of Sexuality* on Christian confession, he later abandoned this plan. Although he abandoned his original plan, his Collège de France lectures in the early 1980s opened new avenues for research on confession (Elden, 2016).

society and reveal the discontinuities between truth, confession and reconciliation. Second, they identify the main parameters of the modern understanding of confession, which reveals not necessarily the truth of the confessed act, but rather the truth of one's inner self. Third, they demonstrate that what turned confession into a privileged mechanism of truth-telling is its desired and presumed performative effects throughout its history, from social inclusion to reconciliation. Fourth, particularly Foucault's account of confession helps me to analyse the role of confession in producing truth and subjectivities. In the case of officially sanctioned confessions of state crimes, this is crucial to understanding the role of confessional truth-telling in producing new political order based on officially sanctioned truth and new political subjects in the aftermath of conflict.

These studies, however, have limitations for analysing public confessions of perpetrators of state crime, as public confessions differ from institutionalised and conventional forms of confession. Unlike institutionalised confessions, public confessions are not extracted or validated by an official body, and they appear as authentic and voluntary. Moreover, confession of state crime is considered as a challenge to the state power for revealing its failures. Public confessions take varying forms, as they are not rigidly regulated by rules and procedures as institutionalised and conventional confessions are. They are mediated through various media representations in a much more extensive way. Hence, the processes of production of truth and subjectivity are different in public confessions. Therefore, I will construct my argument on the effects of public confessions of state crimes on truth and subjectivity, as well as guilt, responsibility and accountability, by complementing Foucault's study on confession with the literature on performativity, notably Jacques Derrida's and Judith Butler's reinterpretation of Austin's speech act theory, and Derrida's discussion of confession. A performative approach to the public confession of state crimes will help me to discuss both its immediate effects on the confessing subject and the confessed act, and its consequential effects in the broader society. Derrida's account of confession is particularly useful in challenging and contributing to the existing sociological and criminological studies of perpetrators' accounts, which are rather based on a simplistic understanding of confession. Nonetheless, however inspiring and thought-provoking Derrida's account is, it remains limited in analysing the complexity of the rhetorical and performative strategies the perpetrators

employ in their accounts of the crimes they committed. In critical dialogue with Foucault, Derrida as well as sociological studies on perpetrators' accounts (Cohen, 2001; Foster et al., 2005; Huggins et al., 2002; Payne 2008), I aim to develop a new theoretical framework for the analysis of public confessions of state crimes

Why Confessions?

Accounts of state violence can be given in manifold ways by different parties involved, including through documentary and forensic evidence, victim testimonies, media representations, human rights reports, scholarly historical perspectives, eyewitness accounts, victims' testimonies and confessional accounts. State crimes against Kurds, particularly during the 1990s have been narrated through these different means. Scholarly research has mostly focused on official state discourse and the legal discourses on state crimes in Turkey. The literature on perpetrators, including paramilitary groups, the police and the military remains highly limited. While some of the existing literature is based on interviews with perpetrators (Kurt, 2015; Berksoy, 2007), other than journalistic articles or books, there is hardly any study focussing on the confessional or testimonial accounts of perpetrators. Perpetrators' accounts have been used as a window to the organisational structure of these organisations, forming sections of individual books, rather than to examine their accounts.

The significance of my thesis does not only come from its originality. Studying perpetrators' narratives is important not only to understand how the past is narrated in the official discourse and how official discourse is reinforced and shaped by the perpetrators but also to understand the present, the effects of the continued presence of perpetrators and the effects of their narratives on the failures of accounting for the past. Their accounts help us to understand how they rationalise and neutralise their acts and, most importantly the cultural repertoire of neutralising accounts they employ in their accounts. In addition to their role in understanding the dominant forms of denial and disavowal in the wider society, perpetrators' confessions also raise ethical issues. We need to ask what happens when we hear from the perpetrators of gross acts of violence, explaining what the victims find unspeakable. What happens when these

narratives on the unspeakable acts of violence are freely and widely circulated without justice for the victims? This thesis aims to fill in the gap in the literature on perpetrators' narratives in Turkey, as well as contribute to the studies of perpetrators' confessions across the world, by presenting empirical evidence within a novel theoretical framework.

Methodology

The thesis presents a close analysis of the confessional accounts of eight state actors in Turkey who committed gross acts of violence against Kurds during the 1990s. The cases selected include; two military officials who are known as the founders of JİTEM, Retired Colonel Arif Doğan and Retired Major Cem Ersever; former Deputy Head of Police Intelligence Hanefi Avcı; former Special Operations Police Officer Ayhan Çarkın; former PKK member turned JİTEM officers Kahraman Bilgiç, Murat Demir, Murat İpek and Abdülkadir Aygan. Although their confessional accounts differ from each other in terms of their form and content, they have all been called as confessions by the media and circulated as such. Doğan and Ersever, however, have not referred to their speech-acts as confessions. Their accounts included revelations of the wrongdoings committed by other state officials as well as implicit confessions about their own wrongdoings. Their narratives do not strictly fit in the elements of the conventional definition of confession, but the implicit confessional character of their statements as well as the media and public responses situate their accounts as confessions, although they have not included remorse or demand for forgiveness or absolution. Following Payne (2008), I refer to their accounts as 'patriotic' and 'heroic' confessions. Performances of Ayhan Çarkın, the PKK repentants, and Avcı, on the other hand, were explicit confessional acts, with elements of remorse and pleas for forgiveness.

Doğan, Ersever, Avcı and Çarkın are all Turkish and have defined themselves as nationalists, at least when they were on active duty. The political transformation that Avcı and Çarkın have been through is an element of their confessional narratives. The PKK repentants, on the other hand, are Kurdish and former PKK militants who have started working for the state upon their apprehension. In Turkish, they are referred to

as *itirafçı* which means *confessant* and refers to the former members of political groups who made confessions to the state security forces upon their apprehension. Although those who make confessions and benefit from repentance laws are referred to as *itirafçı,* the term gained a new meaning during the war between the Turkish state and the PKK and with the deployment of paramilitary groups such as JİTEM, as their operational forces were made up by *itirafçılar* [PKK repentants].

I define them all as perpetrators, as they all directly took part in atrocities including political killings, abductions, torture and disappearances, while Avcı, Ersever and Doğan also gave orders for such atrocities to be committed. Doğan, Ersever and the PKK repentants are all part of JİTEM, the secret intelligence unit which is at the centre of gross violations against Kurdish civilians during the 1990s. Similarly, the Special Operations Police, where Çarkın was employed was likewise one of the most controversial security units, which was known to have committed gross acts of political violence. Avcı, who worked in the Security Directorate in different capacities was one of the most prominent state officials to have been on the public agenda with his revelations on the extra-legal relations of the state during the war in the 1990s, as well as his confessions on cases of torture during his period.

The cases selected for this thesis are all public confessions that have been made voluntarily and spontaneously to the media or in the form of memoirs.[28] Doğan, Avcı, Demir, İpek and Aygan have also given witness statements to parliamentary inquiry commissions and the courts as part of ongoing investigations or prosecutions. While I will focus only on their public performances, it is often difficult to separate public confessions from these more structured confessions taking place in institutional settings. In many cases, the parliamentary commissions or ongoing court cases encouraged and enabled public confessions, while in others public confessions paved the way for the formation of parliamentary commissions and the launch of judicial investigations and prosecutions.

[28] The voluntariness and spontaneity of confessions is a complicated issue. A seemingly voluntary and spontaneous confession might have arisen from repressed feelings of guilt, internalised compulsion to confess fed by the confessional culture in modern societies, as well as from varying motivations of perpetrators from fear to desire to appease. For an insightful analysis of voluntariness in juridical confessions, see Brooks (2000).

The criteria I used in selecting these cases included the scope and the content of their confessions, the extent of public and media reaction they received, and the significance of the consequences of their confessions. Among the reasons why I selected these specific state actors are that they were all at the centre of the organisations accused of state crimes, they received extensive public and media attention and were widely circulated through broadcast and print media, and that they prompted further research and investigation and paved the way for criminal investigations and trials. In addition to these main case studies, I will refer to other similar confessions that have not shaped the public debate as much as they did. The confessions I will analyse included both confirmed forensic evidence as well as inconsistencies, unconfirmed allegations, and incorrect details. My aim is not to discuss the truth-value of perpetrators' accounts or the sincerity of their feelings. It is the confessional accounts and performances that I am interested in, that is, how the perpetrators give an account of themselves and their acts, how they act and position themselves during their confessional performances, and what rhetorical and performative strategies they use. I will focus on the effects produced by confessional accounts on the acts performed and the actors performing. This is the reason why I chose to base my analysis on their publicly available confessions, rather than conducting individual interviews with them.

My analysis is based on their memoirs, the books they authored or that were written in conversation with them, their statements to the broadcast and print media and their interviews with journalists. Their confessions were reproduced in different formats, mediated and transformed in different ways in interaction with different audiences. In addition to their narratives, I will also discuss the mediated versions of these public confessions in the context of media, court cases and parliamentary inquiry commissions.[29] I will provide a close analysis of the rhetorical and performative

[29] More specifically, the analysis on Ersever's confessions is based on his interviews with journalist Soner Yalçın, which was first published in Aydınlık newspaper in 1993 and republished in Yalçın's book *Confessions of Major Ersever* and the journalistic articles written on Ersever's confessions. The analysis on Doğan's confessions is based on his book *I Founded JİTEM*; his interview with Mehmet Ali Birand, the producer and presenter of flagship TV show 32. Gun; his court statements in the Ergenekon trial; his statements to the media and the journalistic articles on his confessions. The analysis on Hanefi Avcı's confessions is based on his book *Haliçte Yaşayan Simonlar*; his two interviews on 32. Gün, the first one with Mehmet Ali Birand in 1997 and the second one with Cüneyt Özdemir in 2010; his interview with Ruşen Çakır and Mirgün Cabas, presenters of Yazı İşleri TV show at NTV; his interview with Balçiçek İlter on HaberTürk; his statement to the Parliamentary Inquiry

devices perpetrators use in their confessional accounts, employing Payne's performance analysis (Payne, 2008). Confession is an act of ritual, a performance. In addition to existing social and political frameworks, the elements of performance of confession shape the political impact it makes. Thus, I will not only analyse what they say but also the responses of the audiences to what they say, how they present themselves in their interviews or memoirs and the political timing of their confessions. Besides performance analysis, I will also examine how they construct the truth about the acts they committed as well as their subjectivity. To do that, I benefit from techniques of neutralisation developed by Sykes and Matza (1957), which was applied to state crime by Cohen (2001). Rather than identifying new techniques, I discuss different strategies the perpetrators apply to reconstruct their acts and their subjectivities and the common threads in their narratives. I will explain my use of performance and performativity theories in Chapter 2 in more detail.

Plan of the thesis

The thesis consists of six chapters, with the first three introducing the literature and the broader theoretical framework that I employ in the thesis as well as the historical background for my case study and the last three on my case studies of public confessions of state actors in Turkey. Chapter 1 provides a critique of trans-historical, linear and homogenising approaches to confession by scrutinising the relationship between confession and power in religion, law and transitional justice. Through a genealogical analysis of confession from ancient to modern societies, mainly drawing

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Commission on Susurluk and the journalistic articles about his confessions. The analysis on Ayhan Çarkın's confessions is based on his interview with Ayse Arman on Hürriyet newspaper in 2002; his TV interview with Uğur Dündar on Arena in 2008; his interview with Radikal newspaper in 2011, his TV interview with Cüneyt Özdemir on 5N1K in 2011; his court statements in relation to Ankara JİTEM trial and the journalistic articles on Çarkın's confessions. The analysis of Abdülkadir Aygan's confessions are based on his interviews with Ülkede Özgür Gündem newspaper in 2004, Şahan and Balık's 2004 dated book based on interviews with Aygan, Nevzat Çiçek's 2007 dated book *Itirafci* including Aygan's confessions, Aygan's interview with journalist Nese Duzel in 2009, Aygan's interview with artist and activist Hakan Akçura, Aygan's interview with Dilek Yaraş in 2012, Aygan's interview with Banu Güven on TV in 2010, as well as journalistic articles on Aygan's confessions, Aygan's witness statements in JİTEM trials. The analysis of Kahraman Bilgiç's confessions is based on the memoir he wrote in prison, parts of which were published in two books on PKK repentants. The analysis on the confessions of Murat Demir and Murat İpek is based on their TV interview with Mehmet Ali Biran on 32. Gun, their interview with Özgür Politika and Emek newspapers, the video recording of their confessions to the journalists Şanar Yurdatapan and Celal Başlangıç; their statements to the Parliamentary Inquiry Commission on the Assassination of Uğur Mumcu and the journalistic articles on their confessions.

on Foucault (1978, 1995, 2014a, 2014b), Hepworth and Turner (1982) and Taylor (2009), I will discuss the social and political functions and the desired performative effects of confession. Chapter 2 provides the theoretical and methodological framework I developed for my analysis of public confessions in critical dialogue with Foucault's and Derrida's accounts of confession, sociology of accounts and theories of performativity. Criticising the presumed effects of reconciliation or social inclusion of confessions, this chapter will discuss other performative effects of confession on truth and subjectivity which, I will argue, form the basis of the failures and limitations of public confessions of perpetrators in achieving truth and justice. Chapter 3 presents a discussion of the historical and political context for my analysis of the public confessions of state actors in Turkey, including the dynamics of state crimes against Kurds during the 1990s, the main actors of state crimes and the existing forms of accounting for state crimes in Turkey.

Chapters 4 and 5 will focus on my case studies of the public confessions of state crimes in Turkey, and the rhetorical and performative devices the perpetrators use in their public confessions. The confessions of Turkish state actors, including both high and low-ranking officials, namely retired military officials Colonel Arif Doğan and Major Cem Ersever, deputy chief of Police Intelligence Hanefi Avcı and the former Special Operatons police officer Ayhan Çarkın will be discussed in Chapter 4, while the confessions of the PKK repentants, i.e. former PKK members working for JİTEM's death squads, namely Kahraman Bilgiç, Murat Demir, Murat İpek and Abdülkadir Aygan, will be discussed in Chapter 5. These confessional narratives differ from each other in terms of the rank and the ethnicity of the state actor making confessions, as well as the form and the content of their confessional narratives. Analysing their accounts with a consideration of the timing of their confessions, their content, their consequences and public reactions to them, I will discuss the specific rhetorical strategies they use to reconstruct and redefine their acts and subjectivity. Chapter 6 includes a broader analysis of the performative effects of these confessional accounts in terms of responsibility and accountability with respect to the crimes confessed. The chapter will also include an analysis of the broader social implications of the confessions of state crimes in Turkey. I will conclude the thesis by recounting my main arguments and outlining the ethical reasons for the failure of confessional narratives in leading to justice for state crimes.

CHAPTER 1: CONFESSION, TRUTH AND RECONCILIATION

Introduction

Confession of a criminal act or wrongdoing is regarded as crucial for both legal and moral reasons as it supposedly addresses guilt and responsibility. Valued as the 'queen of proofs' and the most authentic form of truth-telling, confession is defined as a speech act through which an individual admits having committed a wrongful deed and thereby accepts responsibility for it. Although confession had complex individual, social and political functions throughout its history, it has been internalised and treated as an innate human need with cathartic effects for both the individual and the society by relieving the person from the feeling of guilt, enabling one to accept the significance of the deed and recognising oneself as a wrongdoer as a first step before reintegration into society (Reik, 1959; Berggren, 1975: 3; Gudjonsson, 2003: 123). The presumed linear and causal sequence between confession, truth, catharsis and reconciliation, informed by the long history of confession in religion, law and psychoanalysis, has also influenced transitional justice processes across the world reinforcing the belief in the power of 'truth' and confession in healing individuals and societies following periods of conflict. The South African Truth and Reconciliation Commission was the first one to confront the past by making confession one of the central components of the mechanism. It set an emblematic example providing an analytical lens through which many cases prior and after South Africa have been viewed through (Moon, 2008; Hamber and Wilson, 2002). Some other countries including Rwanda, Sierra Leone and Columbia followed the South African example by providing amnesty or reduction in sentences in exchange for perpetrators' confessions. Although the confessional form of truth-telling has not necessarily occupied the central stage in many truth commissions that emerged after the 1970s, the language of redemption and catharsis through truth-telling and reconciliation between perpetrators and victims have been a dominant feature of over sixteen truth commissions (Rogers, 2011; Shaw, 2007). Confessions of perpetrators have also received attention outside the officially sanctioned truth and reconciliation commissions (Payne, 2008; Lazzara, 2016a, 2016b). In countries where there are

widespread denial and impunity in relation to state crimes, confessions by state actors have been hailed as a crucial step in the path towards truth and justice.

Confession is both a constative speech act, revealing a verifiable truth about a wrongful act, as well as a performative speech act transforming the confessed act, the confessing subject, the audience and the relationship between them. Perpetrators' confessions are promoted in transitional justice mechanisms mainly because of their presumed and desired performative effects in bringing reconciliation and closure. However, the performative effects of confessions of state crimes, in both official mechanisms and outside, are much more complex. Challenging the assumptions that establish a linear and causal sequence between wrongdoing, confession, truth and reconciliation, this chapter aims to reveal the discontinuities between them through historical analysis. Divergences in confessional practices across different social and historical frameworks, its non-existence in some societies and its close link with violence, torture and obligation throughout its history show that confession is not a continuous, universal and trans-historical phenomenon that arises from the burden of repressed guilt and result in cathartic and reconciliatory effects, but a product of specific historical, cultural, religious and political forces with varying social functions (Foucault, 1978, 1995, 2014b; Hepworth and Turner, 1982; Taylor, 2007). Although confession is now deeply internalised in modern societies to the extent that the idea that "speaking is healing" has become common sense, confession fulfilled specific social and political functions throughout its history. Taking its cue from Foucault's discussion of confession in penal institutions and drawing upon studies on confession in religion and law, mainly by Hepworth and Turner (1979, 1982) and Brooks (2000), I will first discuss the links and discontinuities between confession, truth and responsibility and the wider effects of confession that turned it into a privileged mechanism of reconciliation and reintegration. I will then move on to a discussion of the role attributed to the confessional form of truth-telling in transitional justice processes and the functions of perpetrators' confessions with references to the cases of South Africa, Sierra Leone and Colombia. In the final section, I will discuss the existing literature on public confessions of perpetrators outside official mechanisms with a focus on Argentina and Chile.

Confession and truth

In the first volume of *The History of Sexuality*, Foucault (1978) states that next to the testing rituals, the testimony of witnesses, and the learned methods of observation and demonstration, the confession became one of the West's most highly valued techniques for producing truth. Heavy reliance on confessions in legal mechanisms, not only in the West but across the world[30] show that confession continues to be considered crucial for the functioning of the penal regimes. The close link between confession and truth has a long history, which can be traced back to Ancient Greece. In her ground-breaking work *Torture and Truth*, Page DuBois argues that the Greek term *basanos*, which denotes torture, originally meant a touchstone used to test gold and was later started to be used to designate a test to determine if something is genuine or real (DuBois, 1991: 9-11). As the touchstone of the trials, torture was used to make the slaves confess and produce truth (DuBois, 1991; Peters, 1999). The right to testify freely in the court was a privilege, which could not be enjoyed by the slaves. Hence, while free citizens' testimony, which was argued to be based on reasoning could produce both truth and lies, the testimony of a tortured slave was treated as 'the highest form of truth' (DuBois, 1991: 38).

A similar link between torture, confession and truth can be found in medieval judicial practices. The use of confession in criminal law in medieval Europe corresponds to the time when confession was introduced as an obligation in Christianity. When the Fourth Lateran Council required annual obligatory confession from all believers in 1215, it simultaneously banned participation of the priests in trials by ordeals and combat. Ordeals were based on an entirely different system of proof. It was God who "revealed the innocence of an accused whose hand withstood infection from the hot iron" or who "pronounced the guilt of one who floated when subjected to the water ordeal" (Langbein, 2006: 6). The change in the law of proof was a radical change in the way of thinking about the nature of government and law. As Langbein (2006) puts it, the human being replaced God in fact-finding and deciding guilt or innocence. It is now the State which claims to legitimise its power by purporting to derive it not from God but from the consent of the governed. Establishing the truth and determining a

[30] Forced televised confessions is common in both Iran and China. For a study on forced confessions in Iran see Abrahamian (1999) and for China see Amnesty International (2015).

sanction based on established facts required different means of inquiry, including "the affirmation of the truth by the accused himself" (Foucault, 2014b: 203). Confession of the guilty was considered as objective criteria of truth, which would constitute a rather smooth transition from the previous system to the new law of proof.

In Roman canon law, confession constituted the strongest evidence in judicial procedures next to the testimony of two eyewitnesses, which was sufficient to convict and condemn the accused if there were no eyewitnesses. While circumstantial evidence was not enough to convict absent a confession, such evidence of sufficient gravity or one eyewitness account could provide the basis for torture to obtain a confession (Langbein, 2006; Brooks, 2000; Peters, 1999). Similarly, there are records of the use of torture to obtain a confession from the earliest decades of Islam to the Ottoman Empire (Heyd, 1973: 252; Peters, 2005: 77). Islamic law scholars note that although in general, the sharia law does not recognise a confession valid if obtained by force or threats, torture was widely used to by the executive authorities in the Ottoman Empire to obtain a confession and it was authorised under the law. Article 89 of the Ottoman Criminal Code stipulates, "If a criminal confesses under torture and there are also signs indicating [his guilt], his confession shall be valid [and capital or severe corporal] punishment shall be inflicted on him according to his crime". Circumstantial evidence and eyewitness accounts of two males (or one male and two females) established to be 'of good character by the *kadi*[31] are required for a suspect to be punished, but torture would be applied when there is strong circumstantial evidence indicating a person's guilt, and he is regarded of a suspect character (Heyd, 1973: 252; Peters, 2005: 84).

While confession was one of the strongest proofs for one's conviction and for the consent of the public for punishment, there was still a suspicion of the authenticity and truthfulness of confession extracted under torture. Like the modern criminal procedures for admissibility of confessions, Roman canon law and the Ottoman Empire's judicial procedures introduced a set of rules and guidelines to ensure admissibility of confession as full proof. Whether extracted under torture or given voluntarily, confession must appear as 'freely' and 'voluntarily' given. Repetition of

[31] *Kadi* or *qadi* refers to the magistrate or judge of the Shariʿa court.

confession before the judicial authority was one of them.[32] Regardless of its being extracted by force or not, repetition of confession in front of the authorities validated and authenticated the initial confession. Besides repetition, one's selection of certain words also added authority to the confession. Thus, for an effective and flawless functioning of the performance of confession, it is not sufficient for the accused to admit the act or the crime attributed to him, but he needs to perform the act of confession 'freely', 'voluntarily', 'with a sound mind' and using the dominant discourse of truth.

The long and painful history of torture and confession from Ancient Greece to medieval Europe and Ottoman Empire has reinforced the idea that truth is something hidden or buried that needs to be unveiled, extracted or brought out to light (Foucault, 2000: 23). This idea that what is revealed is the truth or one's inner self has been further reinforced with the practices of confession in religion and psychoanalysis. Foucault's discussion of the 'repressive hypothesis' in the *History of Sexuality* persuasively shows that when something is repressed, censored and condemned to silence, speaking about it appears as speaking out against power. Considered as silenced and repressed, confession of sexuality has been regarded as liberating in modern times, which achieved the status of scientific truth with the discipline of psychoanalysis (Foucault, 1978; Taylor, 2009).[33] This has led to the idea that "confession frees, but power reduces one to silence", and when what represses truth is transcended, and when one breaks the silence, the truth comes out. The confessing subject's claim to truth and sincerity and the performance of confession marked with shame, guilt and difficulty further reinforce this understanding. In the judicial scene,

[32] In medieval Europe, if a confession was taken under torture, it then needed to be ratified and repeated by the accused in the courtroom (Brooks, 2000: 155, Langbein, 2006: 16). Likewise, in the Ottoman Empire, confessions extracted by the executive officials enforcing the criminal law would be valid and effective only if repeated a second time in the court. In some cases, such as those constituting the violation of the claims of God (*hadd* crimes), the confessions needed to be repeated four times (Peters, 2005: 9). This is still the case in modern criminal procedures. Turkish Criminal Procedures Law explicitly states that unlawfully obtained evidence - including a confession extracted under torture - cannot be used as evidence in the court. Article 148 of the Turkish Criminal Procedures Law reads as follows: "Any bodily or mental intervention that would impair the free will, such as misconduct, torture, administering medicines or drugs, exhausting, falsification, physical coercion or threatening, using certain equipment, is forbidden". According to the law "Submissions obtained through the forbidden procedures shall not be used as evidence, even if the individual had consented". However, the repetition of the confession in front of the judge or the court turns it into valid evidence.

[33] Foucault's aim here is not to claim that there have not been discourses controlling and repressing sex or discourses on sex but that these mechanisms led to the proliferation of sexual discourse in a more regulated and controlled way.

there is a similar understanding that when one admits his guilt, overcoming shame, fear of exclusion and all the other difficulties, what he utters is the truth, ascertaining his legal responsibility.

However, the truth value of confession has constantly been challenged in both psychoanalysis and law.[34] As Freud and his student Reik both argued, feelings of guilt can cause one to confess to a crime that one has not committed. Brooks (2000) and Gudjonsson (2003) have shown various examples in criminal cases in which intense feelings of guilt cause the accused to make a false confession or exaggerate the nature and the extent of the crime. Complex processes of resistance and repression in psychoanalytical thought show that what the analysand confesses might not necessarily be true. Behind the confession might lay other motives including guilt, revenge, self-justification or self-abasement. In addition to the complexity of human psychology which might lead to false confessions, the close affinity between force and confession is another challenge to the presumed link between truth and confession. The complex judicial rules and procedures for the admissibility of confessions in court indicate the unease about the voluntariness and the truthfulness of confessions.

An analysis of continued reliance on confession in legal practices, voluntary or forced, show that the value attached to confessions in law, does not necessarily arise from its truth content, but from the broader effects of confession that are crucial for the functioning of the social and legal regime. Foucault's lectures between 1980 and 1984 on judicial confessions provide us with a useful framework to understand the significance of confessions for the modern judicial systems. In *Wrong-doing Truth-*

[34] Freud challenged the truth status of confession also by arguing that truth in psychoanalysis is a constructed one through interpretation and transference. In *Constructions in Analysis*, he states that the direct utterances of the patient after he has been offered a construction afford very little evidence upon the question whether the analyst has been right or wrong. He states "The path that starts from the analyst's construction ought to end in the patient's recollection, but it does not always lead so far. Quite often we do not succeed in bringing the patient to recollect what has been repressed. Instead of that, if the analysis is carried out correctly, we produce in him an assured conviction of the truth of the construction which achieves the same therapeutic result as a recaptured memory". Thus, according to Freud, the truth of confession in psychoanalysis does not lie in its referential value, but rather in its therapeutic value. If an interpretation of a symptom led to the relief of the symptom if the construction of the analyst proved to be effective in curing symptoms it may indicate a therapeutic or performative truth. The truths that confession in psychoanalysis produce is not necessarily verifiable truths, their power instead comes from their explanatory and therapeutic power (Brooks, 2000: 118, Taylor, 2009: 86).

telling, his 1981 lectures at the Catholic University of Louvain, Foucault (2014b) talks about the method used by a French psychiatrist Leuret in the 1840s to treat one of his patients. To cure his delusional patient, the doctor asks him to avow that he is mad. His failure of avowal results in a series of freezing showers, which continue until he finally avows that he is mad. The doctor does not claim that the patient is treated solely with his affirmation of his madness, but as the law of the time stipulates, through his avowal, he gives the medical authority to treat his illness (Foucault, 2014b: 13). Thus, the patient does not only avow himself as mad but also affirms the medical truth about his illness and gives the medical institution the authority to treat him. The language that the patient is forced to relearn is not the language through which he will be able to rediscover the truth, instead, the language in which the truth of a power regime appears on him (Foucault, 2006: 150–51).

While this case is from a specific historical context and concerns psychiatric institutions, it is closely linked to the function of confession in law in modern societies. According to Foucault, the dominant regime of power and truth operates through the participation of the individual in his own subjection. In the case of law, since the foundation of the modern law is or is supposed to be the will of all, "when someone has committed a crime, he himself punishes himself—through the law to which he is supposed to have consented or that he is supposed to support of his own free will—and punishes himself through the institution of the tribunal that delivers the sentence in conformity with the law that he supposedly has willed" (Foucault, 2014b: 207). Like the patient who is forced to avow his madness, when the accused complies with the instruction to confess, he conforms to a truth regime that constitutes himself as a guilty subject. It does not matter whether the content of his confession is true or not or whether he believes in it or not, he is required to affirm his guilt explicitly. In addition to constituting himself as a guilty subject by adopting the perspective of the authorities and the regime of truth that defines him as guilty, the individual also recognises the validity of the punishment and the sovereignty of the law and the court that punishes him (Foucault, 2014b: 208; Butler, 2016). Hence, by confessing, the accused both accepts the punishment that separates him from his rights and the social body, and his confession constitutes the first step towards reintegration in this social body. Confession gains more importance in modern law as the aim is not just punishing the wrongdoing but also correcting the guilty.

Other scholars including psychoanalyst Reik (1959), legal theorist Brooks (2000) and sociologists Hepworth and Turner (1982) similarly argue that confession, as a verbal act of self-recognition as wrongdoer provides the basis for rehabilitation and acceptance of responsibility, which means an approval to be bound by the legal/ethical system under which he confesses. Legitimising the legal and social order, confession paves the way for punishment, absolution, rehabilitation and reintegration, which is why perpetrators who confess their crimes and who show remorse are treated differently and more leniently in courts than the ones whose crime was established by proof and testimony (Proeve and Tudor, 2010; Smith 2008). Foucault similarly argues, "While avowal ties the subject to what he affirms, it also qualifies him differently with regard to what he says: criminal, but perhaps susceptible to repent; in love, but it has now been declared; ill, but already conscious and detached enough from his illness that he himself can work toward his own healing" (Foucault, 2014: 17). According to these scholars[35], what makes confession crucial for the functioning of the penal regime goes beyond its referential value or truth status, to its role in maintaining the dominant moral, social and legal order and producing subjectivities annexed to it, or in Foucault's words, truth production and subjectivation. The individual who committed a wrongful act is not only expected to avow his wrongdoing, guilt and responsibility but also to explain himself, to affirm the legal and social order he violated and to manifest that he can be rehabilitated and reintegrated.

Confession and reconciliation

Above discussion shows that the significance of confession in law does not arise from the idea that confession is a truthful admission of wrongdoing and responsibility, but from its wider effects of reintegration of the wrongdoer and the legitimisation of social and legal order via truth-telling. The other crucial role attributed to confession, particularly in post-conflict processes, is reconciliation. There is now a widespread belief in modern societies in the therapeutic and cathartic functions of confession,

[35] Despite the similarities in these scholars' discussion of the functions of confession, they depart in their analysis of the link between confession and power. While Reik's position is more naturalising and affirmative, Foucault's work aims to reveal the workings of power in confessional practices.

which is mostly informed by a certain psychoanalytical understanding of confession. Compulsion to confess has been internalised by the modern individual as a desire and pleasure (Foucault, 1978). We are urged to confess to our parents, teachers, partners, police, or the psychotherapists our intimate, hidden thoughts and desires. The fascination with confession reached to a level of banalization with the reality TV shows, online confession sites, and the increase in confessional autobiographies (Docherty, 2012; Brooks, 2000). Even when the full details of an act or an event are widely known, there is a strong urge for self-admission or a confession (Brooks, 2000). While this internalised desire and pleasure is a result of a long and difficult history, it is Freud's theory of guilt and repression and his early notion of 'talking cure' that dominated the modern popular understanding of confession (Taylor, 2009). Despite Freud's nuanced views on confession[36], psychoanalytical terms such as catharsis and repression have served to the naturalisation and medicalisation of reasons and effects of confession (Foucault, 1978; Taylor, 2009). The linear process

[36] The popular understanding of confession is largely based on Freud's early work particularly *Studies on Hysteria* (1895d), which he co-wrote with Josef Breuer. The "repressive hypothesis" which draws upon Freudian psychoanalysis did not only link confession with catharsis but also gave rise to the idea that confession has affinity with the realm of truth. According to this idea, our inner selves, our 'true' selves are silenced by the power and by confessing the 'truth', we can free ourselves from the effects of repressive power. In their early studies, Freud and Breuer consider confession or telling things as a relief 'discharging tension even when the person to whom they are told is not a priest and even when no absolution follows'. Their cathartic approach and hypnosis method aimed at helping the patient remember and abreact the repressed that led to symptoms. This was based on the idea that confessing or uttering a tormenting secret could substitute a deed which is an adequate reaction to a traumatic event. But for the words to bring catharsis, there is a need for full confession (Studies on Hysteria, 11-12, 85; On the Psychical Mechanism of Hysterical Phenomena, 296). It is this subversion between the deed and the speech act, which gives confession its cathartic effect. However due to the failure of cathartic approach and the method of hypnosis in healing the patients and ceasing the hysterical symptoms, Freud abandoned this linear approach in his later works in which he argues that confession does not automatically lead to catharsis but could repeat the trauma. His move from the cathartic approach to 'psychoanalysis' is based on the idea that the patients already 'know' all the things, which were made accessible to them in hypnosis. Psychoanalytical method is uncovering what is concealed, forgotten and repressed in the mind through the help of the psychoanalyst and his "art of interpretation". The success of the psychoanalytical method depends on the patient revealing everything without any limits, without hiding anything and telling whatever comes to his mind (Five Lectures on Psychoanalysis, 2215-2219). What was repressed is 'worked through' during the course of the analysis through the analyst's art of interpretation. Thus, although confession is still part of the psychoanalytical method, it is not considered as healing or therapeutic in itself. In response to the assumption that revealing secrets or making a confession brings salvation or catharsis, Freud warns that there could be cases that a patient would be injured rather than benefited by being treated in such a fashion (On Psychotherapy, 1568). In *Remembering, Repeating and Working Through* he remarks that uncovering the resistance which the patient is not aware and acquainting him with it is only the first step in the psychoanalysis. The analyst must continue the analytic work to give time to the patient to work through it and to overcome it. Thus, in contrast with the popular understanding of 'talking cure', Freud's psychoanalytical method does not argue that the act of confession is healing and cathartic. He considers confession as the first step towards healing and if it is not dealt with appropriately, it could repeat trauma and result in undesirable consequences.

of transgression, repression, revelation and reconciliation largely shaped the dominant understanding of confession.

Freud's student Theodor Reik has been highly influential in studies defining confession as a reconciliatory mechanism. According to him, in addition to providing a feeling of relief, reduction on anxiety and guilt, partial lifting of repression and partial gratification of the need for punishment, confession offers the possibility for self-understanding and self-acceptance, and it makes consciousness possible (Reik, 1959: 205-212). Through confession, the individual who committed the wrongdoing shows his intention to re-enter the society by accepting of his wrongdoing and declaring himself deserving of punishment (Reik, 1959: 277). He adds, "When one says 'Look here, how spiteful, how malicious, and vengeful, etc. I was!' actually means, 'Please consider those weaknesses! Just because this is how I am, you must forgive me! Punish me, but love me again!'"(Reik, 1959: 208). Confession in that sense is a plea for absolution and forgiveness, in both religious and criminal procedures. The other reason why confession has cathartic effects on the society, according to Reik, is that it is in a sense a sharing of guilt. He argues that in every accusation made by society because of a crime, a self-accusation is implied, as society has its own share of guilt in that the crime had been committed. Referring to criminal law teacher Franz von Liszt, he states that the accusation of the criminal aimed at the 'collective guilt of society' is implicit in confession. He adds, "The confession which also formulates a concealed accusation against the society lifts this ban and permits for an instant, unconscious identification with the criminal, the comparison of one's own psychic processes with his and the condemnation of his and our own instinctual impulses" (Reik, 1959: 278). Confession, thus, is also a containing of guilt by the society through forgiveness and reconciliation.

Confession of wrongdoing functions as simultaneously a mechanism of social exclusion and social inclusion (Hepworth and Turner, 1982). In confession, we have an individual "separating himself into two parts: the part that is technically guilty of the offence and the part that disowns itself from guilt and swears allegiance to the norms which have been violated" (Hepworth and Turner, 1979, 1982). Besides affirming the judicial, social or moral order violated by the wrongful act and absolving the authority from guilt in its decision to exclude the perpetrator, it is a

system of inclusion, making the wrongdoing understandable and forgivable, hence acknowledging the shared humanity of the perpetrator and the society. Religious history of confession from ancient to modern societies similarly shows that going beyond establishing the truth and responsibility, confession functioned as a mechanism of social inclusion, social control and legitimisation of social norms and laws. Public confession of sins goes back to ancient pagan religions in Asia and in the ancient East. Similar confessional and penitential practices are also observed in early Christianity in different forms, which later develops into a more structured and institutionalised confessional mechanism. The widespread practice of public confession of sins in Asia and ancient East, however, did not develop into a separate practice or institution in Islam[37]. While bearing common traits with ancient religions including presupposition of an idea of guilt, a moral order against which individual sins are committed and techniques for speaking about these confessions; confession constituted a peculiar, persistent and ubiquitous feature of Christian societies (Hepworth and Turner, 1982: 66).[38]

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[37] Confession of faith and confession of the self are intertwined in Islam. Although there is no institutionalisation and verbalisation of confession, one repents (*tawba)*, that is turns towards God in contrition, which is accompanied by confession in the prayers: "Thou art my Lord, I Thy servant, I have wronged myself and I confess my sin, Forgive me then all my sins, for there is, None that forgiveth sins but Thee". But for full repentance, confession of sins to God is not enough but it should be accompanied by certain practices to improve one's life and behaviour, including the five main worship practices which are the canonical prayer (five times per day); the yearly fasting; the yearly alms tax on wealth; the pilgrimage once in a lifetime to the mosque in Mecca, in Saudi Arabia; and the confession of faith, *shahada* in Arabic, which means 'testimony'. From the medieval Islamic thinker Al Ghazali to modern interpretations there are varying levels of penitence and remorse practices in Islam. For Al Ghazali, due to the constant risk of evil, Muslims are required to engage in acts of obedience to efface the marks of evil. In response to the criticisms that such an understanding would lead man grieving till death over his past disobedience, he criticises the reduction of penitence to remorse and refers to the everlasting bliss that repentance would bring, which is the totality of knowledge of sin, remorse and resolution. One of the main doctrines of Islam is that God is forgiving and he is the only one who would give the final judgment. "Allah punishes hypocritical, idolatrous men and women and forgives faithful men and women who repent. Allah is forgiving and compassionate" reads one of the prayers in Qoran (33:73). Allah loves those who repent and purify themselves (2:222) is another one. Seeking forgiveness from Allah surrounds all of the worship practices. For example, undertaking pilgrimage means purifying oneself. The believer returns from pilgrimage as innocent as a child, forgiven and free from sin, having promised not to sin again (Özdemir and Frank, 2000). Offering an animal is also a way of showing repentance and asking Allah for forgiveness of sins and weaknesses. During the sacred nights, such as … and during religious festivals the believers are encouraged to seek forgiveness for the sins they committed. In addition to canonical prayers, non-conventional forms of reciting prayers constitute another form of asking Allah for forgiveness. Similar to the form of repentance that Ghazali outlines, it is generally accepted that if you sincerely repent to Allah for having committed wrongdoing, if you make amends by undertaking worship and doing good deeds and make a promise to Allah that you will never commit similar acts of wrongdoing again, then God forgives one. Confession is internal and made to the God, while it is accompanied with religious practices.

[38] The earliest confession inscriptions indicate that confessional practices did not originally belong to the Indo-European elements. There is no evidence about confessional practices in Greek and Roman

In ancient pagan religions, such as Lydia and Phrygia, the practice of confession was widely used with regards to religious and criminal offences, and it had to be publicly made in verbal or written form and often in front of an audience.[39] Confession inscriptions found in that period include details of the sin committed, and the punishment suffered ending with the confession of faith, gratitude and praises for the gods.[40] Since the conception of sin in these societies is not regarded as a conscious and voluntary act, but an objective state of pollution, confession turned into a mechanism of endless surveillance and self-surveillance (Ricl, 1995; Hepworth and Turner, 1982; Chaniotis, 2009, Özlem-Aytaçlar, 2012). Confession of sins would also constitute a plea for forgiveness of sins and reconciliation with the gods. It would show one's confession of faith as well as one's promise of not committing any further sin. Recognition and acknowledgement of sins by the individual both served to reintegrate and reinstate the sinner or the wrongdoer into the society and to warn others about potential consequences of sins. In this way, confession defined moral and religious boundaries and the norms that had to be followed by humans if they wanted to live in harmony with the gods. Confession of sins was, thus, crucial in the regulation of communal relations and relations of the people with the gods, as well as

religions, except some peripheral examples and references to confession of sins in Greek literature (Pettazzoni, 1937: 14; Chaniotis, 2009). Studies show that similar confessional practices also developed in the Egyptian cults and in South Arabia independently (Chaniotis, 135-136). Confessional practices in different periods and cultures bear striking similarities in terms of their forms, their vocabulary, their rituals and their content (Chaniotis, 2009; Pettazzoni, 1937). This, however, does not mean that there is a causal or linear link between these practices. Chaniotis (2009) and Ricl (1995) argue that similarities rather could be explained through increased mobility in the Roman world which contributed to the transfer of ideas; the interaction and competition between religious groups in the imperial period; presence of common patterns of behaviours, similar religious needs and experiences; and survival of practices over a long period.

[39] Confession inscriptions found in Lydia and Phrygia from the first to the third centuries indicate the widespread use of the practice of confession well before the Christianity. Confession inscriptions refer to the documents containing confessions of religious offences, crimes and misdemeanours written on stelae and set up in sanctuaries. Since the aims of confession inscriptions included seeking forgiveness, dedications and vows and praises for gods, they are also referred to as 'propitiatory', 'reconciliation' and 'exaltation inscriptions' (Chaniotis, 2009: 117). Rostad, for example, argues that elements of confession or admittance of guilt in these inscriptions are less important than reconciliation so they should be called reconciliation inscriptions. Mostly containing religious offences and in some cases crimes under property and criminal law, they were written by those who believed that they were persecuted by a divinity through illness, accident, death or destruction of their property because of an offence committed either by them or by their relatives.

[40] A confession inscription to Zeus from Twin Oaks exemplifies the three aspects of confession, i.e. transgression, punishment and reconciliation. Written by a woman on behalf of her sister who failed to fulfil her vow to gods in case of her recovery from an illness, she seeks forgiveness and sets up an inscription in front of the sanctuary. Please see Malay, H. and Sayar, M. H. (2004), A New Confession to Zeus 'From Twin Oaks', Epigraphica Anatolica 37 (2004) 183–184

maintaining the religious, economic and political power of the sanctuaries (Chaniotis, 2009; Özlem-Aytaçlar, 2012).[41]

Studies on confession by Foucault, Tentler and Hepworth and Turner show that confessional practices in Christianity similarly functioned both as a mechanism of social inclusion through penitential practices following a sin and as a mechanism of social control, through controlling one's thoughts and preventing deviance from submission to the monastic authorities and religious doctrine. Rather than arising from a profound need to relieve from their guilty conscience or a strong compulsion to confess, confession emerged as a response to crucial social transitions and fulfiled crucial social and political functions (Tentler, 1977; Hepworth and Turner,1982). Confession in Christianity evolved from a process of public, infrequent, voluntary public acts of contrition in early Christianity to verbal, private and institutionalised form (Hepworth and Turner, 1982).[42] Private confession, already accepted as a necessary part of the forgiveness of sins, became legally enforced requirement and declared universally obligatory in 1215 and the priests were given the authority to hear confessions and power of absolution, which widened their moral and legal role (Tentler, 1977:16; Hepworth and Turner, 1982: 41). After the late 17th-century confession became a frequent and naturalised practice with more emphasis on thoughts, desires, voluptuous imaginings, delectations, combined movements of the body and the soul (Foucault, 1978; Taylor, 2009). Besides aiming to bring

[41] The individuals making confessions would pay sacrifices and fees to the sanctuaries, which constituted a significant portion of their income (Özlem-Aytaçlar, 2012: 25). Failure to fulfil the duties towards sanctuaries constituted a new ground for confession creating a crucial social control mechanism.

[42] In early practices of penance, in which confession did not have a centre stage. The individual would first expose the reason for wanting this status, but this verbal enunciation of sins was a private practice and a preparation for penance. The aim was not discovering a hidden truth deep within oneself through a verbal act, but a symbolic manifestation of one's shame, suffering, humility and modesty, showing oneself as a sinner (Foucault, 2014: 107). Penance was rather a status, which means one does not confess his sins but becomes a penitent through a spectacular manifestation of one's awareness of being a sinner, of remorse for being so, and of the will to be a sinner no longer and be reintegrated (Foucault, 2014:109, PT, 173-175). Due to the severity and difficulty of public penance and resistance of the laity between the 9th and 13th centuries penances were lightened (Tentler, 1977:5).
In the development of private confession, monastic practices occupy a crucial role. Monasticism, Foucault (2014a:127) argues, brings together the practice of penance and philosophical practice of self-examination. Accessing the truth in monastic life was only possible through self-purification, contemplation and submission, which required the obligation to tell the truth about oneself to another person in authority (2014a:129, PT: 178). Because one never achieves self-mastery. and due to the constant risk of being deceived by the Devil, one needed to continuously confess not only one's actions but also one's thoughts, intentions and desires (2014a:140). Discipline, surveillance and self-surveillance go hand in hand in monastic confession.

reconciliation and forgiveness of sins, the practice of confession was rather disciplinary (Tentler, 1977: 6). Firstly, development of confessional practice in Christianity was closely related to the threat of heresy confronting Christianity (Foucault, 2014a: 85). Confession has been a crucial part of the struggle of the Catholic centres against remote areas and was used as a mechanism to protect Orthodox belief, tackle with the indifference towards the Church, discover and eradicate heresy, depaganise Europe and ensure people's obedience to religious code of conduct (Hepworth and Turner, 1982: 52, 83). This was guaranteed first through internalised private guilt and by the external scrutiny of the Church. In addition, confession provided political intelligence through the information gathered among subordinate groups by the priests (Hepworth and Turner, 1982: 53).

Confession also had social functions in terms of regulation and resolution of offences and conflicts, which would disturb the peace of a community. It was a crucial way of sinners and 'deviant' individuals' restoration to the community and their reconciliation with the Church. It was a plea on the part of the individual to change and to get reaccepted in the society. In that sense, confession functioned as a ritual of social inclusion (Tentler, 1977; Hepworth and Turner, 1982; Foucault, 2014a). Confession of 'deviant' behaviour served to justify and maintain social, moral and religious values by conforming to the accepted behaviours and belief. Confession in that sense maintained and reinforced religious and moral boundaries and defined the main tenets of the community as well as the boundaries of appropriate human behaviour. An individual's demonstration of guilt, remorse and repentance following a wrongful act showed no matter how gross the sin, an individual is capable of human feeling, capable of responding to his confessor in a manner characteristic of ordinary human beings (Hepworth and Turner, 1982:45). To sum up, the sacramental confession provided a comprehensive and organised system of social control, which aimed to make people obey the authorities, dominant moral values and law. The aim was to ensure social control and discipline through the conscience of the individual and feeling of guilt (Tentler, 1977).

This discussion of the social functions of confession in religion and law does not aim to draw continuity between different confessional practices. It instead seeks to show that the culture of confession created and reinforced by these practices was largely

internalised by the western societies and spread further with the rise of confession in literature, psychotherapy and popular culture. Despite the simultaneous trust and distrust of confessions, the idea of confession as a mechanism of truth-telling and reconciliation further influenced the transitional justice processes across the world. Studies on public political confessions have also emphasised the role of confession in reintegrating the wrongdoer into the society, reconciling victims and perpetrators and catalysing public debate about the past. I do not dispute that confession, internalised by the modern individual might be an authentic experience for the individual providing self-affirmation and reintegration (Hepworth and Turner, 1979, 1982) or it might have a cathartic and healing impact on individuals or societies with traumatic experiences. However, confessional practices in different historical and political contexts show that confession does not have a linear and causal link with truth, responsibility and reconciliation but is imbued with power relations. Hence, I argue that although confession was hailed as a privileged form of truth-telling, its significance does not arise from its power to establish truth and responsibility, but from its desired and purported performative effects. Depending on its specific context, confession of wrongdoing might result in effects going beyond or conflicting with the desired effect of forgiveness and reconciliation.

Confessional truth-telling in truth commissions

Confessions discussed in the sections above concerned ordinary crimes and wrongdoings committed by an individual violating the dominant social and legal order. Although confession's supposed role in leading to truth and reconciliation has been projected to the field of state crimes as well, such confessions take a more complex form. State crimes are collective and organised acts of violence committed by a state or its agents against civilian populations for political intimidation and control, which includes torture, enforced disappearances, extrajudicial killings, abductions or bombings (Sluka, 2000; Green and Ward, 2004). The responsibility and accountability is shared between those who committed crimes, those who gave orders and those who were complicit. In this section, I aim to show that confession of state crimes in transitional justice mechanisms, hailed for its supposed role in establishing the truth and identifying guilt and responsibility, has been promoted for its desired

effects of enabling reconciliation and creating a new political order with reconciled subjectivities.

The dominant ways to account for state crimes following periods of conflict or during the transition from one political regime to another have been through retributive and restorative justice mechanisms, now subsumed under the term 'transitional justice'.[43] Historically, criminal trials have been the main way of confronting past violence, reinforced through the international human rights law and mechanisms, by identifying those responsible, collecting evidence, ascertaining responsibility, punishing the perpetrators and upholding the rule of law (Neier, 1994; Mendez, 1997).[44] Although there is a wide consensus among the human rights community on the benefits of legal accountability, there is now vast literature addressing the limitations of a purely legalistic approach to state crime (Minow, 2008; Osiel, 2000). The legal system is expected to determine individual responsibility and provide appropriate punishment. However, the nature and the extent of crimes, difficulty in obtaining evidence in the face of deniable forms of state violence, the time passed and the large numbers of perpetrators and collaborators often make it difficult to collect evidence and ascertain individual responsibility. Individuals prosecuted for state crimes fail to address the magnitude of and collective responsibility for the crimes concerned. Individualisation of responsibility through trials also conceal the responsibility of the state and the society. A similar criticism could also be seen in Arendt's account of the Eichmann trial which addresses the inadequacy of the legal system to deal with state-sanctioned administrative massacres of an unpreceded nature, while still emphasising its importance in bringing the individual perpetrators into account (Arendt, 1963). Other issues such as lack or diminished trust in the judicial mechanisms following periods

[43] The concept of transitional justice has been received in different ways in different countries owing to the diversity of the stakeholders, including international and national organisations and victims' associations. But in general, transitional justice refers to judicial and non-judicial measures, taken in order to bring an end to violence, provide judicial accountability, consolidate peace, recover the rule of law and legitimate political authority, provide reparations and establish a historical record of the past (Hayner, 2011; Teitel, 2002; Humphrey, 2002; Elster, 2004). From the end of 2nd World War to political and ethnic violence in Latin America and Africa in the early 1980s, disintegration of the Soviet Union and collapse of communist regimes in Eastern Europe, and demise of apartheid in South Africa, various judicial and non-judicial initiatives have been used including trials of perpetrators, economic and symbolic reparations to survivors and relatives of victims, administrative policies of vetting and lustration, memory policies, and truth commissions (Hayner, 2011; Teitel, 2002; Jelin, 2016; Moon, 2008).

[44] Following the World War II, criminal justice mechanisms were used to confront past atrocities, as in the case of Nuremberg and Tokyo trials. Establishment of International Criminal Tribunal for former Yugoslavia and then for Rwanda followed these steps at the international level (Minow, 2008)

of conflict, wider expectations of collective learning from the past and issues such as loss of human dignity, solidarity, trust which cannot be repaired by legal means have contributed to the sentiment on the limited value of trials in the face of mass atrocities (Cohen, 1995, Minow, 2008).

Owing to such limitations of retributive justice mechanisms as well due to the political compromises led by weak transitional governments during transition periods, precluded prosecutions due to tense power balance and amnesty provisions, continuing influence of old repressive regimes, and deep polarisation in post-conflict societies, alternative restorative justice mechanisms gained a wider prominence and legitimacy since the 1970s (Hayner, 2011; Humphrey, 2002; Zalaquett, 1992; Gready, 2009). Truth commissions, being the key restorative justice mechanism, is now referred to as an essential component of transitional justice processes, with examples from Uruguay to South Africa.[45] Examples of truth commissions show differences, but the idea is based on a general understanding that they establish the official record of past atrocities, provide a platform for victims, reveal institutional responsibility, foster collective learning, deter future atrocities and promote social healing and reconciliation (Hayner, 2011; Cohen, 1995; Mendeloff, 2004; Bevernage, 2011; Popkin and Roht-Arriaza, 2006). Unlike the early cases of Argentina or Brazil, the narrative of truth and reconciliation was explicitly invoked in the Chilean National Commission for Truth and Reconciliation (Moon, 2008; Jelin, 2016), which has also influenced the political discourse and the scope of the South Africa's Truth and Reconciliation Commission. Truth commissions have established a causal and linear link between producing the knowledge about past atrocities, their public acknowledgement and individual and national healing and reconciliation.

One of the reasons for prioritising truth and in some cases confessions is due to the clandestine nature of the crimes, such as enforced disappearances and death squad killings (Jelin, 2016; Neier, 1994) and different forms of denial at the level of state and society (Cohen, 1995). These deniable forms of state terror, often committed by death squads have been extensively employed across the world from Argentina to

[45] Truth commissions can be defined as officially authorised or sanctioned temporary bodies that investigate a pattern of events that took place over a period of time, engage directly and broadly with the affected population, gather information on their experiences, and conclude with a final report (Hayner, 2011:11-12).

Turkey. Operating outside the law, with impunity and often generally or secretly integrated into the state's security network, death squads enabled governments to maintain plausible deniability and create clouds of doubt about the perpetrators (Sluka, 2000; Neier, 1994). Truth occupies a crucial place also in the cases where the crimes were committed blatantly such as Bosnia or Rwanda. Beyond their role of fact-finding and establishing an accurate and detailed record of past by outlining overall patterns, a crucial role truth-telling mechanisms play in such circumstances, is officially acknowledging past atrocities, turning knowledge into an officially sanctioned and public acknowledgement (Cohen, 1995: 18). The right to truth, which has been reinforced in peace and reconciliation processes, is now an internationally recognised right embodied in the resolutions on the right to truth passed by the UN Human Rights Council.[46]

Confessions of perpetrators have been mobilised in various truth commissions to establish the truth and reveal a complete picture of past atrocities. South African's Truth and Reconciliation Commission, established in 1995 to end the apartheid system that had prevailed since 1948, is the most prominent and emblematic example which included both perpetrators' confessions and victims' testimonies in the service of reconciliation. In line with its mandate of establishing a 'complete a picture as possible' of the causes, nature and extent of the gross violations of human rights, TRC acknowledged diverse subjectivities and the perspectives of both the victims and the perpetrators.[47] As one of its most novel aspects, the TRC was endowed with the power to grant conditional amnesty for politically motivated crimes committed between 1960 and 1994 in exchange for full and truthful confessions.[48] In Mamdani's words, the pact included 'individual amnesty for the perpetrator, truth for the society,

[46] According to a report by the UN Independent Expert on Impunity everyone, especially the victims and their families, has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes. United Nations General Assembly passed a number of resolutions on the right to truth which can be found at this link: Resolution 12/12. *The Right to Truth* A/HRC/RES/12/12 (12 October 2009) https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/165/99/PDF/G0916599.pdf?OpenElement. Also see the United Nations documents on the right to truth http://www.un.org/en/events/righttotruthday/resources.shtml

[47] The aim of the TRC was specified as reconciling conflicting perspectives and demands for national unity and reconciliation in its constitutive document 1995 Promotion of National Unity and Reconciliation Act. See South African Truth and Reconciliation Commission's Final Report at http://www.justice.gov.za/trc/report/

[48] Any crimes committed for racism, personal gain, or out of personal malice, ill will, or spite, were not eligible for amnesty. The TRC considered the relation whether there was "proportionality" between the act and the political objective pursued.

and acknowledgement and reparations for the victim' (Mamdani, 2002: 33). Both the testimonial and the confessional forms of truth-telling at the TRC were framed in a discourse of forgiveness, catharsis and healing (Moon, 2008). Through the inclusion of perpetrators in the process and the confessional form of truth-telling, the idea was to cleanse the nation of the 'sins' or guilt of the violent past for peaceful reconciliation and national unity (Moon, 2008: 92, 116; Posel, 2). As Moon (2008: 131) states while the power of victim testimonies lies in the spectacle of victim suffering, in confessional truth-telling the power lies in its power to redeem and to demonstrate the humanity of a perpetrator. This could be seen in Desmond Tutu's opening address that everyone in South African was wounded by the apartheid and stands in need of healing: "There is not a single person who has not been traumatised by apartheid – even the perpetrators".

Other countries that have given the confessional form of truth-telling a central stage in revealing truth and promoting reconciliation included Sierra Leone, Rwanda and Colombia. Sierra Leone established truth-telling and reconciliation as the main need and goal which were implemented through the TRC and the amnesty provision.[49] A select number victim testimonies and perpetrator confessions collected in one to one sessions were later presented in front of live audiences in town halls throughout the country and through the radio (Millar, 2015: 244). Through posters, leaflets, radio and television ads and public hearings, truth-telling was promoted as crucial for healing, social cohesion and reconciliation (Shaw, 2007). Similarly, in Rwanda the idea that 'truth heals' has been promoted throughout the country, to encourage people to participate in the *gacaca* courts i.e. traditional village tribunals in the case of Rwanda. The aim of the *gacaca* courts was both punitive and restorative including establishing the truth, rendering justice and reconciliation (Buckley-Zistel, 2005: 113). Confession was introduced as a mechanism which would speed up the process and perpetrators received reduced sentences in exchange for confessions, which was required to

[49] Following more than a decade of civil war, Sierra Leone's TRC was mandated by the 1999 Lomé Peace Agreement, and was established when Sierra Leone's Parliament passed the Truth and Reconciliation Act in 2000. Funded through and coordinated by the OHCHR, it began its first public hearings in 2003. Due to the blanket amnesty given to all combatants with the Lomé Agreement, the TRC intended to provide an alternative form of accountability (Shaw, 2007). The Lomé agreement put the aim of the TRC as follows: to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their story, [and] get a clear picture of the past in order to facilitate genuine healing and reconciliation (Renner, 2015: 1115)

include all information about the crime, incrimination of co-conspirators and an apology to contribute to establishing the truth about the genocide (Buckley-Zistel, 2005: 117). While apology and forgiveness were considered to lead to reconciliation, confessions also served to reintegration of the perpetrators into the society. Perpetrators' confessions have also occupied a crucial place in Colombia's protracted transitional justice process to end the 53-year-long conflict. 2005 Justice and Peace Law, which regulates judicial investigation, procedures, sanction and benefits for demobilised combatants, offered armed actors the option to participate in an alternative criminal justice process whereby they would make confessions on their crimes and receive significantly lower sentences.[50] Like other similar cases, inclusion of perpetrators into the mechanism aimed at both truth revelation, reconciliation and integration of ex-combatants into the society (Laplante and Theidon, 2006: 80).[51] In East Timor, reintegration was one of the main focuses of the transitional justice process as perpetrators continued to live in close proximity to those who have been victimised, thus Community Reconciliation Process[52] emphasised the diminished guilt of the perpetrators for which confession was the best mechanism. Confessional narratives of the perpetrators and their apologies were exchanged with the right to re-enter the society as a full member (Larke, 2009: 662).

Despite the emphasis on revealing the truth and having a full picture of atrocities from all perspectives, truth commissions were mainly marked by the desired performative effects of maintaining peace, closing the past, establishing new political order and new political subjectivities through reconciliation (Humphrey, 2002; Moon, 2008). Transition to a new regime following violent periods or authoritarian state violence and deep social and political divisions requires a general agreement at the social level

[50] The reduction in sentences is dramatic as instead of a 40-year prison sentence, or more, they would serve a total of eight years in jail (Rowen, 2016: 10)

[51] According to the law, the paramilitaries are required to provide free confessions known as *versiones libres*, in which they were to confess all crimes committed. The law was amended by the Constitutional Court following the criticisms of the human rights groups and victim-survivor organisations for failing to provide sufficient guarantees of their right to truth, justice and reparations and promoting impunity for perpetrators. As required by the amended version, if the perpetrators fail to make full confession or if evidence show them ongoing violence, or if they fail to make reparations, they lose their privileges under the 2005 law and face ordinary criminal prosecution. See 'Court Fixes Flaws in Demobilization Law', *Human Rights Watch*, 19 May 2006.

[52] Community Reconciliation Process which has synthesised customary reconciliation procedures and elements of the formal justice system, was implemented by the Commission of Reception, Truth and Reconciliation (Commonly known by the Portuguese acronym CAVR) in 2002 following the violence and destruction that followed a recent vote for independence.

on the terms and conditions of the coexistence of previously divided groups (Wilson, 13-14; Bakiner, 2015; Posel, Moon, 26; McEvoy, 2007). In Foucauldian terms, it requires establishing a new regime of truth and reconciled political subjectivities. The required closure has often been sought through reconciliation. Perpetrators' confessions formed one of the main foundations of this process.

The truth taxonomy of the South African TRC is a good example showing how truth is mainly put in service of reconciliation. The Commission weaved together multiple forms of truth which included forensic truth, personal or narrative truth, social truth and healing truth, each covering one aspect of the Commission's work and reconciling subjectivist and objectivist notions of truth (Posel, 2008: 120). While forensic truth aimed to establish what happened when and how, based on corroborated evidence and accurate information obtained through reliable procedures, personal truth added individual interpretation of the victims and perpetrators alike based on their subjective experiences. Social truth refers to truth established through interaction, discussion and debate and aims to place the individual truth within a broader context. Healing truth was a way to weave different perspectives through an open and public process of negotiation, with the aim of contributing towards the process of national reconciliation (Moon, 2008; Posel, 2008).

However, the cases above showed that the closure aimed by the so-called cathartic processes of truth commissions leads to demand for a premature reconciliation or premature foreclosure closing the political possibilities for the future (Rogers, 2011). Confessions often provided limited, partial and inconsistent accounts and sanitised versions of past atrocities (Posel, 2008; Bevernage, 2011; Buckley-Zistel, 2005). Many perpetrators in above cases used the hearings to whitewash their image and neutralise the crimes they committed. When they acknowledged their acts, they engaged in different rhetorical strategies to evade responsibility some emphasising the chain of command, their lower ranking status, limited alternative options, enforced coercion, hence their lack of individual agency experienced at the time (Larke, 2009; Foster et al., 2005). Lack of contrition, indifference, failure to provide the full truth and different forms of denial on the side of the perpetrators exacerbated the feelings of injustice the victims have, as it was the case in South Africa (Posel and Simpson, 2002; Millar, 2005; Stanley, 2004). While the limitations of truth commissions in

providing truth and justice inhibited its desired cathartic qualities, expectations of reconciliation and the aim to achieve a stabilising historical narrative limited what could be said in the TRC (Mamdani, 2002; Posel, 2008). Although what gave way to truth commissions and particularly the confessional form of truth-telling in the aftermath of atrocity was declared as the 'truth', truth commissions were shaped by confession's desired effects of peace and reconciliation, often despite its risks and limitations.

Public confessions of perpetrators of state violence

Public confessions of state crimes differ from confessions of individual crimes and confessions of state crimes sanctioned and extracted by an authority as they seem to be authentic, spontaneous and voluntary revelations. Unlike institutionalised confessions which are regulated by specific rules and procedures, public confessions are less rigidly regulated – except the editorial and commercial interests of the publishing houses or the media organisations that confessions take place. Their effects are multiplied as the public confessions are reproduced and reframed in different forms by various media more extensively than confessions in institutional mechanisms. The interaction with wider audiences shapes the meaning and effects of public confessions in multiple and unexpected ways. Furthermore, by revealing contested details about past state crimes, they unsettle the audiences (Payne, 2008) and often seem like forms of speaking truth against power. In countries where state crimes have not been accounted for, or where justice has been compromised for the transition to a new regime, public confessions gain even more importance as they may reveal crucial evidence on past state crimes. However, a close analysis of such confessions and their impact show that they often present a complex picture of legitimisation, justification, glorification, disavowal or individualisation of state violence (Payne, 2008; Lazzara, 2016a, 2016b). Rather than functioning as a mechanism of social inclusion, public confessions might rather become a medium to provide a different interpretation of the crime, redefine it as non-criminal, and validate the insights of the perpetrator (Lovitt, 1992). Although reception of public confessions is heavily influenced with the linear discourse of transitional justice that truth leads to reconciliation, their effects are much more complicated, often inhibiting the desired effects of peace, justice and reconciliation. In this section, I will review

the existing literature on public confessions of perpetrators of state crimes in Argentina, Chile and South Africa with a view to discussing their significance and limitations in providing truth and responsibility for past state crimes. My aim is both to situate my case study in a wider context and to demonstrate the complexities of the performative effects of public confessions of state crime through other examples.

Public confessions of state crimes have taken place in almost all countries with a violent past, from the US to Argentina, either in the form of media interviews or memoirs. Scholarly works on these examples differ in their positions, some acknowledging their contribution to truth and justice, others criticising them as insincere interventions with individualistic goals and warning about the risks they pose on the memory of the past. As various examples of the transitional justice processes show, confessions do not necessarily "settle accounts with the past; rather, they unsettle them" (Payne, 2008: 2). The extent to which they break silence over the past and contribute to reconciliation depends on the specific context. Payne argues that confessions of past state violence lead to conflict and dispute over confessions and interpretations of the past and this "contentious debate enhances democratic practices by provoking political participation, contestation and competition" (Payne, 2008: 3). What Payne emphasises is the importance of the interaction of political speech in a wider political context, rather than just the speech or confession of political violence (Payne, 2008: 4). Besides she warns that 'unsettling accounts and contentious coexistence only make the struggle for democratic ideals possible; they do not ensure its success' (Payne, 2008: 12). The questions that Lazzara asks in response to Payne's analysis are crucial, "Are these debates always healthy? Can the portrayal of certain voices (in certain ways) actually cause harm? What risks are inherent in letting accomplices speak, or in placing them centre-stage and framing them through particular lenses?" (Lazzara, 2016b: 60). Sharing Lazzara's concern, this thesis addresses the risks and limitations of public confessions of perpetrators of state crime through an analysis of their speech-acts and the rhetorical and performative devices they use in their confessional performances. As I discussed above the meaning attributed to confession in transitional justice processes have also influenced the reception of public confessions of perpetrators in a more general sense. However, there are various studies on perpetrators' confessions indicating that they

result in other effects that prevent the desired effects of truth, justice and reconciliation.

Public confessions had taken place in South Africa even before the TRC process started, albeit with limited effect. In 1989 Butana Almond Nofomela, a prisoner about to be executed the next day for robbery and murder of a farmer, confessed that he was a former security policeman and part of *Vlakplaas*, a secret police death squad operating since 1981. He stated that that the unit was responsible for numerous abductions and assassinations, including the 1981 killing of Griffiths Mxenge, a lawyer and political activist, and gave the details of other members of the group including infamous Dirk Coetzee, the head of *Vlakplaas*. His confessions found extensive coverage in the media; interviews were conducted with some of the mentioned including Coetzee who made further confessions[53], books were written, and finally, an investigation was launched and commission of inquiry was set up to investigate the death squads (Foster et al., 2005; Payne, 2008). Despite the significance of the information both Coetzee and Nofomela gave and the inquiry commissions, not a single prosecution took place; witnesses denied the existence of death squads and above all violence continued (Amnesty International, 1992). Besides a lawyer who carried out investigations into the conduct of police death squads was assassinated following the case. There have been further revelations in the press regarding political violence in South Africa, but the hopes for the end of apartheid were dimmed due to continuing denial and inaction of the government. It was after the TRC's work and during the trial of Eugene de Cock, Coetzee's antecedent, that the revelations were widely received by the public. As Foster et al. put it (2005: 42) "One light had provided some illumination, but where else? Where individual perpetrators had been identified, it provided the illusion that responsibility had been established". Thus, despite the facts provided by these confessions, they failed to reveal the mechanisms of responsibility and lead to justice.

Similarly, in Latin American countries, there have been high profile confessions by military officers on the atrocities committed during the military dictatorships. Confessions in Argentina, Chile and Uruguay in the mid-1990s followed the increasing public debate on the past and international requests for extradition of

[53] Coetzee's confessions to the journalist Jacques Pauw precede Nofamela's confession.

military officers who were involved in atrocities in other countries (Achugar, 2008: 104). In 1995, Adolfo Scilingo, an Argentinian retired navy captain made confessions about the death flights during the military rule between 1976 and 1983 to a well-known leftist journalist and activist Horacio Verbitsky and stated that he had taken around 30 drugged detainees into an airplane, stripped them, and dropped them to their deaths in the ocean in mid-1977. Despite the existing knowledge on the death flights documented in the truth commission report, victims' testimonies, academic and human rights reports, Scilingo's confession was the first of its kind breaking the military's official silence over the past.

Scilingo in his confessions argues to be a patriotic officer who agreed with the "unconventional" war against communism, but who could not come to terms with the methods employed by the military. The reasons for his confessions are manifold and complex, which include, his discharge from the military due to the psychological problems he developed after the "death flights" he participated in[54]; his frustration about his failed businesses; his superiors' failure to respond to his letters outlining his emotions and opinions on the violations committed during the "Dirty War"; denials of the Generals of systematic use of torture and disappearances in their 1985 trials, and their blaming of the lower ranking officers; and also the Senate's denial of promotion to his former navy colleagues Rolon and Pernias[55] due to their involvement in the human rights violations' (Payne, 2008; Verbitsky, 1996; Robben, 2012). Despite his admission of guilt and responsibility, his confessions are entangled with rationalisations, excuses and justifications, dominated with the official language sanitising the atrocities committed and self-victimising narratives (Robben, 2012). While acknowledging his responsibility, he refers to the complicity of the population, blames the higher ranks of the army and diffuse responsibility to his fellow navy officers (Verbitsky, 1996: 23-27). He positions himself as a loyal officer in a hierarchical institution or as a *cog in the machine*, which helps him to diffuse responsibility, turn it into collective responsibility invalidating potential criminal legal responses to his confessions (Verbitsky, 1996: 112). While he talked in detail about

[54] Prior to his public confession, Scilingo had gone through psychological difficulties due to which he was denied promotion, made private religious confessions and sent letters to his superiors inviting them to acknowledge the crimes committed and apologise (Payne, 2008: 47-48).
[55] Pernías and Rolón have been the first military men on active duty to officially acknowledge before the Senate that the navy tortured. They both stressed that the orders were given to them by high ranked military offices (Feitlowitz, 2011: 236).

the psychological troubles he went through, he was vague about the details of the killings and disappearances and he failed to identify the individuals he sent to their deaths, to help the human rights community to locate the lists of the disappeared and to name other perpetrators (Werth, 2010: 69). Countering Scilingo's silences, half-truths, euphemisms, and denials, Verbitsky pushed him to tell in detail the atrocities, which made a big impact on the way the public received the confessions.[56]

Like in Argentina, public confessions of several state actors including General Manuel Contreras, the head of the secret police unit DINA, intelligence officer Osvaldo Romo working at the DINA, former militant turned collaborator Luz Arce broke the pact of silence and amnesia in Chile. Following the 17 years of military dictatorship, Pinochet, who still had a considerable power in the country, secured an amnesty for the military for crimes committed during the dictatorship and managed to retain his power (Hayner, 2011: 47).[57] The report of the Chilean Truth and Reconciliation Commission[58] which documented that DINA, during its three years of operation between 1974 and 1977 was responsible for 2500 forced disappearances, executions, deaths under torture (Payne, 2008: 141), also failed to arouse public interest and challenge the widespread impunity and amnesty. Confessions of General Manuel Contreras, the head of the DINA (*Dirección de Inteligencia Nacional*, National Intelligence Directorate), who faced prosecution not for these cases at the DINA, but for the killing of Chilean ambassador Orlando Letelier and his wife in the US due to which the US requested his extradition, came at such a time. Contreras's confessions started with his trial in 1991, continued with his appearances on major

[56] The fact that Verbitsky wrote the first report on the ESMA and the death flights based on survivor testimony in 1976 for ANCLA (Latin American Clandestine News Agency) and he devoted his journalistic career to exposing the atrocities committed during the dictatorship had also a big impact on the way the confessions were received (Feitlowitz, 2011: 237)

[57] Before the transition to democracy, Pinochet had amended the constitution in 1980 stipulating that he would remain commander in chief of the army until 1998, and would thereafter serve as senator for life (Hayner, 2011: 47; Elster, 2004: 64). There can be no question that before, during and after the transition the Chilean military wielded overwhelming power over Chilean politics. It did not face a challenge in the form of armed opposition and, even after relinquishing control over the state, it maintained its power base and the capacity to oust the new regime if it so chose. By all accounts it was the fear of confrontation with the armed forces that led the Aylwin administration to take a softer line on the legacy of the past than it had initially promised (Sriram, 2004: 48)

[58] The Commission had no power of subpoena, and received little cooperation from the armed forces. Its mandate was to investigate forced disappearances, executions, and torture leading to death committed by government agents or people in their service, as well as kidnappings and attempts on the life of persons carried out by private citizens for political reasons" excluding other cases of torture (Hayner, 2011: 48)

TV programs, which were widely covered in the print media. He published books and constructed a website narrating his own version of Chile's past. Contreras's confessions were dominated with denial, where he admitted his role in the past but denied any wrongdoing or knowledge of wrongdoing (Payne, 2008: 158-159). In summary Contreras argued that he engaged in a heroic war against subversion, not in human-rights violations, it was not the military but those subversives who committed violations and they are now seeking revenge (Payne, 2008: 146). While minimising the number of the disappeared and lying about their fate, he normalised the acts using a military terminology. When he acknowledged human rights violations by the military, he did that denying his own responsibility, blaming others or arguing that he was following orders (Payne, 2008: 151). Payne (2008: 146) states that despite the extensive coverage he managed to control his image due to the uncritical reporting and lack of challenging questions by the journalists. Although Contreras was convicted and sentenced for seven years for Letelier assassination[59], his imprisonment was regarded as symbolic rather than retributive justice due to his initial short sentence and the lavish and comfortable conditions he enjoyed in his fully equipped prison cell. Continuing his ideological confrontation and denial for the atrocities he was responsible, Contreras positioned himself as a political prisoner. Horrific acts of violence against the victims turned into necessary and heroic acts and inevitable consequence of a war against subversion. In addition to Contreras, several other officers working at the DINA made public confessions some in sadistic, some in remorseful way, but none of them succeeded initiating public debate and promote justice for past atrocities in Chile.[60]

Above three examples do not only show the similarities of perpetrators' confessions in terms of the rhetorical techniques they use but also indicate the differences in

[59] He spent 20 years in prison serving his 526 years of prison sentence for multiple human rights violations before his death in 2015. See Pascale Bonnefoy, 'Manuel Contreras, Chilean Spy Chief Under Pinochet, Dies at 86', *New York Times*, 8 August 2015, retrieved from https://www.nytimes.com/2015/08/09/world/americas/manuel-contreras-chilean-spy-chief-dies-at-86.html

[60] The perpetrators who made confessions in Chile include Osvaldo Romo Mena a civilian torturer; Jorgelino Vergara known as El Mocito initially a low accomplice working for the General Manuel Contrearas and later tasked with packing prisoners' bodies and loading them into military planes to be thrown into the sea; Luz Arce and La Flaca Alejandro Romo, left-wing militant turned collaborators and DINA officers and Mariana Callejas, the ex-wife of a DINA accomplice, who has been known with her complicity in a number of atrocities including allowing their mansion to be used for torturing prisoners and producing lethal gases and false documentation. See Payne (2008); Lazzara, (2011, 2016a and 2016b).

public reception of confessions. In Argentina, Scilingo's confessions renewed the public debate on the past, resulted in an institutional apology and more prosecutions.[61] On the contrary, confessions in Chile and in South Africa before the TRC failed to generate public debate, despite the crucial information they revealed. The studies I referred in this section indicate that representations of confessions have largely influenced the audiences' reception of confessions. In Argentina, for example, although Scilingo's confession hardly added anything new to what was already known, it generated a renewed public debate on the past largely owing to the way Verbitsky framed the confessions by challenging Scilingo's rationalisations, normalisation and excuses (Payne 2008; Lazzara, 2016b). But earlier confessions by a police inspector and by a corporal did not raise a similar public storm, mainly because they were of low-rank and they made confessions in 1983 "amidst the gruelling revelations of former disappeared" (Robben, 2005: 418n3).

In Chile, on the other hand, although confessions resulted in confirmation of the existence of a detention centre and conviction of dozens of former security officers, confessions did not lead to significant media and public attention, media representations of perpetrators were either sensationalized or sought to elicit sympathy (Lazzara, 2016b) and both the government and the military were not interested in accounting for the past. Some perpetrators such as Cristián Labbé, a former DINA agent, did, who is currently the mayor of Providencia, one of Santiago's most prominent and affluent neighbourhoods, continued to hold onto power and enjoy their privileges (Lazzara, 2016b: 172). What Gabriela Zúñiga Figueroa, the wife of Álvaro Barrios Duque, who Luz Arce handed over to the military and who was disappeared, says is crucial. "Those who testify today admit to nothing more than being analysts, drivers, or administrators; they do so with the antiseptic language of those who disavow their links to the apparatuses of murder" (Lazzara, 2016b: 167). Or as another activist, Jorge Arrate reminds in relation to the arguments that the nation was at the edge of war and that all parties were equally guilty, nor all victims

[61] Catholic Church had to get involved resulting in denouncing some of its members for their involvement in the atrocities. Following initial denials by the military, the army's high-command chief, Lieutenant General Martín Balza issued an institutional apology, but it did not stop the public debate, and more confessions followed. Some high ranked military officers were detained, amnesty laws were overturned by the Supreme Court in 2005, and presidential pardons of 1989 and 1990 were declared unconstitutional in 2007. By 2009, 556 people were prosecuted for human rights violations during the dictatorship (Robben, 2012: 181).

were victimisers, “some committed errors, while others committed horrors” (Lazzara, 2016b: 163).

These cases show that regardless whether they are repentant or not, confessions can lead to unanticipated and positive results depending on the reception and their interaction with audiences and the specific contextual events. The meaning is produced at the intersection of narratives and its reception. In countries where confessions led to democratic debate and prosecutions ending impunity, there were several other crucial factors which managed to control the consequences confessional narratives, including actively campaigning human rights groups and social movements. However, despite the positive effects of perpetrators’ confessions in some contexts, their narratives were largely defined by excuses, rationalisations, justifications, evasions, silences and denials. They neither truly repented nor revealed any information that human rights organisations did not already know. Besides perpetrators’ confessions desensitizing the victims (Robben, 2012: 180), the fact that while victims’ testimonies are received with suspicion, perpetrators’ confessions are given credence validating the truth of the victims constitutes further violence for the victims. Following Scilingo’s confessions, Osvaldo Barros, representative of the Association of Ex-Detainees and Desaparecidos said, “Numerous witnesses talked about transfers and death flights at the trial of the juntas. The calls, the line-ups, the clothes—but not the people—that reappeared in the camp. For years no one wanted to hear it from us, and now all of a sudden—because of Scilingo?!—the flights are news” (cited in Feitlowitz, 2011). Payne also discusses the cynicism of some survivors and the relatives of the disappeared who think that confessions give perpetrators control over the transitional process. They regard confessions of perpetrators as “opportunities for perpetrators to profit from their past acts of violence legally (through amnesty, pardon or reduced sentence), financially (through media appearances and book sales), and morally (by restoring perpetrators’ humanity) (Payne, 2008: 72). As the only other ones who directly ‘witnessed’ the atrocious acts the victims suffered, they control the narratives of the violence and sufferings of the victims (Robben, 2012: 183-184).

The common feature of the above confessions is that the perpetrators are unwilling to accept punishment and consequences of their acts. They construct a historical

narrative which functions as a contextual framework for their confessional narratives. Often, even in remorseful confessions like Scilingo, this historical narrative is defined by the official discourse on the past. They construct both the wider historical narrative and their confessional narratives in a way which appear as inevitable, and their actions appear as the logical consequence of this narrative. There is a reason why perpetrators choose the confessional genre to talk about the past, while there are other ways to do that such as giving a witness statement in a court or in a public inquiry. Confession's power to get audience's empathy, its self-serving aspects, its close link with self-excuse and self-justification certainly are among the reasons, which I will discuss in more detail based on my case studies.

The point I would like to emphasise in this section is that public confessions of perpetrators of state crime are valued by the victims and human rights groups due to their constative value, that is, the forensic information and the mechanisms of responsibility they might reveal. Such public confessions are also considered as opportunities for promoting a democratic debate about the past (Payne, 2008), enabling the wrongdoers transform themselves by acknowledging their wrongdoings, and repair the damage they have done to their community (Landman, 1999) or as a democratic ritual of rebalancing the relations between the wrongdoer and the audiences (Bauer, 2009). The rare occasions when confessions achieved some of these desired effects were mostly due to the political and the historical context as well as the audience reactions. As I will demonstrate in the next chapter and in the remainder of the thesis, confessions result in other performative effects which work towards the inhibition of these desired performative effects.

CHAPTER 2: PERFORMANCE AND PERFORMATIVITY IN PUBLIC CONFESSIONS

Introduction

Confession is not solely a constative statement, that is, a declaration or acknowledgement of wrongdoing, but performance and a performative speech act transforming the confessing subject, the audience, the relation between them and the meaning of the confessed act. The phrase "I killed him" could be uttered in the form of a statement or a confession. When it is uttered in the form of confession, it produces specific effects depending on the political and historical context. The previous chapter aimed to show that while confession achieved its privileged role purportedly for its power in establishing the truth and responsibility for wrongdoing, the significance attached to confessions from ancient to modern societies and from religion to law has mainly arisen from its desired performative effects including social inclusion, reintegration of the wrongdoer into the society, reconciliation, social control and discipline, legitimisation of social, moral and legal order (Foucault, 2014a, 2014b; Hepworth and Turner, 1982; Brooks, 2000; Taylor, 2009). In the case of transitional justice mechanisms, confession, while promoted for establishing the full picture of an atrocity by including all parties in the process, has mainly been put into the service of reconciliation (Moon, 2008). The close link between confession, truth and reconciliation has also influenced the reception of public confessions of perpetrators of state crimes. Despite the simultaneous suspicion and distrust of confessions by the victims, perpetrators' confessions have been celebrated as forms of speaking truth to power as they acknowledge past atrocities, and in some cases, reveal crucial information that could be used to hold the state accountable. Particularly in countries where denial of state crimes and impunity for perpetrators are entrenched, the revelations by the perpetrators become even more crucial. While the significance of the facts confessions may reveal is without dispute, the performative effects of public confessions have been a matter of contention both among the scholars as well as the main actors of the transitional justice processes.

Through an analysis of the structure and internal mechanism of confession, this chapter aims to demonstrate that the performative effects of confession are not limited to reconciliation or social inclusion. Confession results in other performative effects on truth and subjectivity which, I will argue, form the basis of the failures and limitations of public confessions of perpetrators in achieving truth and justice. The question this chapter seeks to explore is what public confessions of state actors do and what performative effects they have with respect to truth and justice for past atrocities. What do confessions tell us about responsibility and accountability for the atrocities they reveal? How does confession transform the confessing subject and the act confessed? Performative effects of confession that I aim to discuss in this thesis arise from its power to transform the confessing subject and the act confessed. In this chapter, which forms the theoretical framework I propose for the study of public confessions of state crime, I will argue that, *through its effects on truth and subjectivity, confession annuls the subject of the wrongdoing and the wrongdoing itself, hence effacing guilt, responsibility and accountability for the wrongdoing confessed*. In that sense, *public confession of state crime is simultaneously an avowal and a disavowal*. To explain my argument, I will first discuss the theatrical and dramatic aspects of confession drawing on theories of performance, particularly Payne's study on confessional performances. I will then discuss the performative effects of confessional utterances drawing on Jacques Derrida's and Judith Butler's reinterpretation of Austin's speech act theory and Derrida's account on confession based on de Man's essay on Rousseau's *Confessions*. This chapter will also show how I develop Foucault's argument on confession via references to Derrida's account of confession and performativity. Although performativity is implicit in Foucault's studies on confession, truth and subjectivity, it remains unarticulated, but I believe that a performative approach to confession is essential to be able to grasp its effects fully. Taking a step further from Derrida to set out my argument, I will explain how confessional accounts are entangled with other accounts including excuse, justification, evasion and denial, through references to the literature on perpetrators' accounts and techniques of neutralisation.

Confession as performance

Confession is a dramatic social act performed by an individual in front of an audience in order to produce a certain meaning. It is a form of account arising from a valuative inquiry, external or internalised (Mills, 1940; Scott and Lyman, 1968). Payne in *Unsettling Accounts* defines confession as a performance of power and analyses it using the main elements of a performance. Central to her argument is that in a confessional performance a social actor deliberately takes a public stage in a political drama; and the theatrical elements of a performance, including the actor, acting, script, stage, and specifically, audiences and timing, produce meaning out of confessional performances (Payne, 2008: 15). Confession and its consequences are shaped by not only what it says (the confessional script), but the responses to what they say (audiences), how perpetrators present themselves (actors and acting), the political moment (timing), and the institutional or societal process that generates the confession (stage). Confession produces meaning through the interaction of these elements. In order for a confessional act to be effective, "actors must offer a plausible performance, one that leads those to whom their actions and gestures are directed to accept their motives and explanations as a reasonable account" (see Alexander, 2006: 32)[62]. The other crucial aspect of performance theories for my study is their emphasis that what makes a speech act intelligible and meaningful is both its mode and context and social, cultural and political structures (Alexander, 2011: 10). The meaning of the performance is not only produced by its subject in a calculated way but through the interaction of the elements of performance and the wider context.

Perpetrators making confessions make use of certain expressive equipment, intentionally or unknowingly, during their performances to dramatise the invisible motives they are trying to represent (Goffman, 1956; Alexander, 2006: 35). From their rank, sex, race, ethnicity or age to their gestures, costumes, speech patterns and

[62] Jeffrey Alexander also uses the elements of performance in his analysis of social, cultural and political events. He argues that every social performance involves an actor (an individual, a group or an organisation); audience or observers (external audiences, participant observers or fellow performers); means of symbolic production (material resources and physical stage); *mise-en-scène* (putting the text into scene in a given space and time) and social power (resources, capacities, and hierarchies) (Alexander, 2011: 84).

their acting affect the reception of their message. They act in a certain way to reverse their negative images (if there is) by utilising different kinds of expressive equipment, by portraying themselves as good citizens, patriotic officers, religious individuals or family men, by portraying themselves as transformed, or by victimising themselves (Payne, 2008:17-18). Confessional performances often are based on a break between the past and present, the confessing subject and the subject of atrocity. With the help of physical and verbal gestures, the confessing subject appears as a transformed individual through the act of confession, which increases its dramatic effect on the audience. Their narratives, or 'confessional scripts' as Payne puts it, present a certain interpretation of the past within the limits of their memory, and often fitting to their present needs and the context (Payne, 2008). The language they use is often dominated by the official discourse on the past. Confessional narratives are not static, homogeneous and coherent narratives but often characterised by contradictory and multiple elements and they change over time. Payne states that while one dominant narrative form —remorse, heroism, denial, sadism, silence, lies, amnesia, betrayal— may emerge, other forms intrude (Payne, 2008:22). Besides the content of the narratives, the medium they are narrated through also influence the meaning. Depending on whether the confessions take place in a court or a truth commission or outside an institutional mechanism, the acting or *mis-en-scene* in Alexander's words, which is an ensemble of both symbolic devices and the text, take a particular form (Alexander, 2006; Payne, 2008).

Just like the narratives, the place of the confessions is also not static. While a confession made in the court could be mediatised, a confession made to the media could form the basis of evidence for a court case. In addition to acting, script and stage the fourth element of a confessional performance for Payne is timing. The timing of confessions, determined by the individual or political circumstances, and the opportunities and the limitations it brings are also crucial in shaping the narrative. Confessions take place in front of an audience, be it a confessor or a virtual audience. The reception and the reaction of the audiences, including the victims, human rights groups and the political power groups, further influence the effects of the confessional narratives. While confession transforms its audience, the response of the audience also transforms confession. Confessions are appropriated in different ways by different audiences in an effort to advance their own political projects (Payne, 2008:

26-27). As Alexander (2006: 35) argues, even if the actors cathect to cultural texts and possess high-levels of cultural proficiency, their performances might still not be persuasive to the audiences. Owing to the relational aspect of confessional performances, the response of audiences is crucial in shaping its performative effects. Social power is another crucial element of social performances, deciding which performance is legitimate and which is not (Alexander, 2006:36). As I will show in my discussion of different confessional performances, their legitimacy often depends on the distribution of power in the society.

Another crucial aspect of a confessional performance is the positioning of the confessing individual as a truth-teller. Confessing subject uses various rhetorical devices, material and symbolic props to position oneself in order to increase the effectiveness of confession. Since positioning is a relational act, the self-positioning of the confessing subject is further affected by the audiences, the social, historical and linguistic frameworks surrounding the act of confession and compelling and coherent narratives (Baert, 2015). As Baert demonstrates in the case of intellectual interventions, individuals actively engage in and change position within ongoing conversations. There are several aspects one needs to consider in analysing how confessing subjects position themselves. This would depend on their already established status and the positioning of the individuals with regards to the field they are making an intervention, their past pattern of interventions, the responses or counter-positioning attempts of others in the same field, and the specific historical and socio-political context in which the intervention takes place (Baert, 2015). Positioning is thus a dynamic speech act which brings an effect in interaction with both other elements of performance and the social frameworks. The perpetrators' positioning themselves through performance might not always be successful. Inconsistencies in their narratives, inappropriate acting or effects of social power might result in the confessional act to fail.

Each of the elements of performance as laid out above is necessary for an effective confessional performance. In a successful performance, all these separate elements of performance, that is, script, direction, actor, background culture, *mise-en-scène*, audience, means of symbolic production become indivisible and invisible (Alexander, 2011: 55). One's appearance, clothing, body language and gestures as well as other

elements of the performance work together with the confessional narrative to produce a certain effect.[63] To fulfil its dramaturgical role and to bring about specific effects, a confessional act first needs to be received as a confession. For that, it needs to appear as authentic and spontaneous rather than forced and calculated. The act needs to seem natural and authentic directly coming from the actor rather than through other elements of the performance (Alexander, 2011: 85). Thus, the performance functions in a way to present the act as governed by an *a priori* subject rather than by the interaction of a number of elements and contextual circumstances. But on the other hand, what gives confession its authority, as a privileged form of truth-telling is its long history and its ritualistic form. There is an uneasy but productive relationship between authenticity and ritualism of confession.

Confessional performances produce effects both through their theatrical and dramatic aspects as well as their performativity. Apart from a handful of studies (de Man, 1979; Derrida, 2002; Brooks, 2000; Terry, 2006; Tell, 2012; Doxtader, 2011), confessions have not been analysed through the notion of performativity. Although Payne (2008) emphasises the performativity of confessions referring to Austin in an endnote, she does not extend her analysis to the contemporary discussions around performativity. For Foucault confession in judicial procedures belongs to the order of drama or dramaturgy and he adds that 'dramatic' should not be understood merely as ornamental additions, but as every element in a scene bringing forth the foundation of legitimacy and the meaning of what is taking place (Foucault, 2014b: 209-210). Yet, he dismisses the idea that confession or avowal is a performative act. According to Rabinow, one reason for Foucault not to use the theory of performativity in his analysis could be the difference of the projects that Austin and Searle and Foucault pursue, that is, while Foucault deals with discursive frameworks and regulatory forms of discourse, speech act theory mainly concerns everyday acts of speech. But when considered in the light of contemporary discussions of performativity, it is already implicit in Foucault's study of confession and a performative perspective would turn

[63] As Austin remarks, the effect can be achieved additionally or entirely by non-locutionary means, and non-verbal means (Austin, 1962: 118). One can produce a similar effect without a narrative through affective and bodily means as it can be seen in the practice of penance in early Christianity. Yet for an affective state to produce the same meaning, there is still a need for a shared understanding of a particular bodily or affective practice, like penance. Although affective and bodily states affect confessional performances, in this study, I will focus on verbal acts of confession.

his discussion into a more productive one.[64] I argue that defining confession as a performative act is essential to theorise the effects and consequences of confession. Performance of confession, presenting the act as an authentic, sincere, truthful act governed by a subject, while strengthening the performative effects of reconciliation, masquerades the performative effects I seek to discuss in this thesis. Contesting the idea of the subject behind the performance, the theory of performativity will particularly help me to discuss the effects of confession on the production of truth and subjectivity.

Confession as a performative act

Confession can be described as a performative act in that it does not only say or describe something but also does something. This idea is based on John Austin's theory of performativity which is set out in his seminal book *How to do things with words*, a collection of his 1955 William James Lectures at Harvard University. Distinguishing constative and performative utterances, Austin argues that speech-acts do not only describe some state of affairs, or state some facts either truly or falsely, but also perform an action (Austin, 1962: 5-6). In a performative utterance, *by* saying or *in* saying something, we are doing something (Austin, 1962: 12). A performative could be explicit, as in the examples of "I forgive you" or "I apologise", where the act occurs *in* saying the words. There are also performatives, which do or achieve something *by* saying the words, that is they produce certain consequential effects. Austin refers to the first one as an illocutionary act and the second one as a perlocutionary act. These two forms of utterances are not mutually exclusive. For example, the act of saying "I'm sorry" could have an illocutionary force of an apology. Or it could be an accusation. We can talk about an illocutionary force when the apology is accepted by the party it is addressed to. But other kinds of effects of the

[64] We can find a partial explanation for why Foucault opts not to use the speech act theory in relation to truth-telling in *Fearless Speech*. He defines the *parrhesiastic* utterance as 'speech activity' rather than as a 'speech act' in John Searle's sense or 'performative utterance' in John Austin's sense. The reason for this differentiation is to distinguish the *parrhesiastic* utterance and its commitments from the usual sorts of commitment which obtain between someone and what he or she says (Foucault, 2001). *Parrhesia*, which means truthful speech and differs from other speech-acts, creates a break and poses a challenge to existing power relations. It is not an everyday use of speech but an 'event'. While Foucault's decision not to use 'performative' in his description of *parrhesia* makes more sense, in the case of confession, the notion of performativity could well be used without making a substantial change to the meaning Foucault attributed to it.

apology, for example, further irritating the offended party, can be defined as the perlocutionary force of the utterance (Gould, 1995: 29). The crucial aspect of Austin's definition of performative for this study is that it is not the truth or falsity of a performative utterance but its force or effect on the speaker or the audience which defines it.

So, the effectiveness of a performance is not based on whether it is true or false, but whether it is 'felicitous' and 'infelicitous' in Austin's words. Austin lists certain felicity conditions for a performative utterance to succeed in achieving an effect and realising its stated intent. According to that, felicity of a performative utterance depends primarily on the existence of an accepted conventional procedure, the appropriateness of the circumstances for invoking such procedure, whether the person invoking the procedure has the genuine authority to do so in the given circumstances, and whether the procedure is executed by all participants correctly and completely (Austin, 1962: 14-15). A confessional performance, similarly, might not necessarily result in being received as a confession. An utterance which was not performed with the aim of making a confession can be received as a confession by a specific audience, while a speech act made precisely for making a confession might fail and not recognised as a confession at all. Confessional speech act needs to fulfil certain conditions to fulfil its performativity. For example, an individual who has no direct experience of an event cannot claim to make a confession.[65] Or a confession that is not verbalised and made in private to God would not be called a 'confession' as it does not fulfil its interlocutory conditions. The interlocutory scene that the confession takes place and the response of the audiences could also affect the felicity of a confessional performance. Widespread dismissal of a confession by its audience as insincere and inauthentic could result in its failure. Similarly, questions about the authority and the capacity of an individual making confessions could also affect the success of confession in bringing certain effects. The crucial point here is that it is not necessarily the truth of the confession which makes it felicitous in Austin's sense. While a confession that is constatively false may prove to be an effective performative act, a confession that is constatively true may be ineffective. As Brooks

[65] *Confessions of Nat Turner* is an example of a 'confession' which is narrated by a white writer on the experiences of a black person, Nat Turner. Dave Tell (2012) argues that defining a narrative as confession is not a straightforward process and often depends on its public reception.

shows in a number of examples of confessions in law, one can convincingly confess to a crime that she or he did not commit due to a strong feeling of guilt because of a different crime or because of an unconscious feeling of guilt. Equally, one might confess to a crime that she or he did commit, but not in a satisfactory way (Brooks, 2000; Terry, 2006). As Derrida (2002: 141) argues in relation to confession, what counts is not the objective truth, but veracity referred to the inside, to the internal feeling, to the adequation between what I say and what I think, even if what I think is false.

The fact that a confession might fail or succeed in bringing certain effects into being indicates "the fallibility built into the account of performativity" (Butler, 2010: 152). All confessional speech-acts are prone to failure. A good confession in medieval Christianity, for example, had to fulfil specific conditions including being simple, humble, pure, faithful, frequent, willing, ashamed, whole, secret, tearful, prompt, reproachful, and showing readiness to obey (Tentler, 1977: 107). Similarly, there are several conditions for a confession to be admissible in criminal legal procedures, including voluntariness. Yet all these conditions are specific to the context rather than to the form of confession itself. This brings us to the role of context in determining the effectiveness of a confession.

The felicity conditions for a confessional act are not limited to the conventions surrounding the utterance but extend to the totality of social and political circumstances. Austin argues that to understand the effectiveness of a performative act, one needs to consider the total situation in which the utterance is issued – the total speech act (Austin, 1962:52). However, he does not clarify how we can define the boundaries of the speech situation. Derrida criticises him for limiting his attention on the conventionality of the utterance and its contextual surroundings and failing to account for the wider social, cultural or political context (Derrida, 2002: 15).[66]

[66] Derrida's criticism of Austin mainly arises from the exclusions Austin makes when listing the specific felicity and infelicity conditions for performative speech-acts. For example, he refers to citational uses of language, such as performative speech act uttered by an actor on stage as an example of an infelicitous performative. However, Austin does not dismiss the possibility of failure for all speech-acts. He states that "since in uttering our performatives, we are undoubtedly in a sound enough sense 'performing actions', then, as actions these will be subject to certain whole dimensions of unsatisfactoriness to which all actions are subject" (1988: 21). He further adds that "infelicity is an ill to which *all* acts are heir which have the general character of ritual or ceremonial, all *conventional* acts" (1988: 18-19, emphasis original). Although Austin emphasises several times that there are

Whether Austin fails to do that or whether he does not focus his attention on it is beyond the aims of this study. But the discussion of the context is crucial for my analysis as I argue that confession derives its authority from its historicity. It is the cultural and political context which renders a confessional act intelligible and meaningful. All words and speech-acts are shaped by social, cultural and political frameworks and established conventions. Here I draw on Derrida's theory of citationality which argue that for a performative utterance to succeed, there is a need for repetition or reiteration of a 'coded' utterance and a prior authoritative set of practices and conventions (Derrida, 1988: 17; also see Butler, 2010: 172). Central to Derrida's argument is that iterability is the very condition of the possibility of language. Therefore, the success of the performative is possible through a reiteration of a set of norms through which it results in bringing certain effects. Building upon Derrida's notion of citationality, Butler (1997: 51). states that an act "accumulates the force of authority through the repetition or citation of a prior and authoritative set of practices". However, it is not a simple repetition of the conventions; reiteration rather achieves the effects in both regenerative and accumulative ways (Butler, 2010: 149). In that sense, performativity of a confessional performance does not only depend on the conventionality of the utterance but also wider social and political context.

Derrida's and Butler's arguments on citationality echo Foucault's discussion of the historicity of truth and the reflexive acts of truth. In an interview 'How Much Does It Cost for Reason to Tell the Truth', Foucault (1989: 361) states that "If I 'tell the truth' about myself, I constitute myself as subject by a certain number of relationships of power, which weigh upon me and which I lay upon others". That means the truth one utters is not a simple communication of the truth but also applying, maintaining and distributing the regulatory discourse, power. Not just our discourses, but our bodies bear and manifest the effects of regulating discourses through its gestures, its postures and its habits (Foucault, 1984). History is inscribed in our body, language, discourse and practices. Thus, an object, a subject and the relationship between them always take place within a regime of truth, and they are historically and geographically

general infelicities affecting all utterances, he excludes them from his analysis. And it is this exclusion causing Derrida to criticise him for failing to consider infelicity of a performative act as a structural possibility.

constituted. Social and historical frameworks and historically specific truth-regimes, which condition the emergence of the subject, are implicit in any reflexive speech act.

Following from the emphasis of Foucault, Butler and Derrida on the historicity of truth and speech-acts, I argue that confession is not only citational, but citationality is the very condition of the effectiveness of confession. The effectiveness of confession is not only dependent on the performance of the speaker, but also the extent to which the narrative conforms to formerly established conventions and the dominant truth regime. Although the performance of confession presents it as a singular 'act' or as an event, confession is a ritualised production (Butler, 2011: 60). It produces an effect through reiteration and citation of hegemonic norms and existing conventions by which it is mobilised. While citation can take the form of repetition of the language of the sovereign, it can take more implicit forms as well. Confessions of perpetrators of atrocities are often shaped by their socialisation in the state institutions and the official language used to refer to the conflict in question (Payne, 2008: 20). Confession of a crime is hence simultaneously an account of the social norms and conventions that contributed to the subjectivation of the confessing subject.

Arguing that the effectiveness of a confessional performance depends on its reiteration of a convention and that the language the subject speaks is conventional and citational might imply that it is not an intentional act (Butler, 2011). While the idea of iterability or citationality of language runs against the voluntarist theories of the subject, it does not necessarily dismiss the will of the agency of the confession but rather postulates that it is not the agent who drives or governs the utterance. As Derrida states, within a theory of citational language, the category of intention will not disappear but "it will no longer be able to govern the entire scene and system of utterance" (Derrida, 1988: 18). In this understanding of the subject, it is not postulated as independent of social and historical conditions. Social, historical and moral frameworks condition the emergence of the subject, but there is not a causal relation between them (Butler, 2005: 7). Confession thus is not solely determined by the subject and does not result in a set of fixed effects. It is at once deliberate and undeliberate effect of a speaker (Butler, 1997: 39). But any statement that the subject makes about himself is simultaneously a statement about the social and political frameworks surrounding the subject.

So, what are the implications of the theory of performativity for my discussion of public confessions? Firstly, I define public confession as a performative act with an illocutionary and perlocutionary force, in the sense that, confession brings about certain effects *in* and *by* saying something. In addition to transforming the confessing subject, the audience and the relation between them, confession bring about certain social and political effects on the truth regime it takes place. Secondly, as Austin argues in relation to performative utterances, the effectiveness or felicity of a confession does not arise from its truth content but from its fulfilment of necessary conditions in bringing certain truth-effects. Despite the differences of the form and object of confession in different historical periods, for a speech act to be defined as a confessional one, it needs to be a reflexive truth act in an interlocutory scene. Likewise, the effectiveness of confession also depends on both the conventionality of the confessional utterance and the wider context it takes place. Going beyond Austin's felicity conditions and taking into account Foucault's discussion of the historicity of truth and subject and Derrida's and Butler's discussion of citationality, I argue that a confessional act achieves certain effects through a reiteration of a set of norms from which it derives its meaning. It is not solely the subject of confession that governs the speech act and its consequences but the totality of circumstances and a particular set of conventions, discourses and practices that individuals derive meaning from.

Performative effects of public confessions

Illocutionary effects of a speech act refer to its immediate effects which rely on the power of confessional speech, while perlocutionary effects refer to the consequential effects that depend on the external circumstances (Butler, 1997: 3; 2010: 151). The distinction as set out in the examples of speech-acts that Austin (1962) describes, however, is not always clear and stable in the case of public confessions. Although the 'illocutionary' effects of confessions are clearer in the case of religious or legal confessions where there are certain conventions determining the admissibility of confessions, public confession of state crimes do not necessarily follow a ritual. As I discussed above, citationality of confessions means that all confessional performances draw their power from the established norms and values about confession through

their use of specific words and gestures, but these norms and values depend on social, moral and legal context and are not strictly conventional. Confession achieves both immediate effects on the confessing subject, the audience and the utterance itself as well as consequential and contextual effects that depend on the external conditions. The performative effects of judicial confessions which I discussed in the first chapter – declaring oneself guilty by confessing, hence affirming the established judicial and punishment system and submitting oneself to the institutions of power – differ from the public confessions of perpetrators in terms of its form, object, and mechanism.[67] The effects of public confessions of perpetrators go beyond acknowledging one's guilt and becoming certifiably a guilty person.

The performative effects of confession that I would like to focus in my analysis of public confessions arise from the fact that confession is an inherently self-interested act. At the centre of confession is not the act confessed, but the confessing subject, his psychology, motivations, guilt or innocence (Brooks, 2000; Coetzee, 1985; Felman, 1992; Radstone, 2006). This point is implicit in Foucault's definition of confession as an act of truth-telling about oneself. He describes confession as a ritual in which the one speaking is at the same the one spoken about, "an effacement of the thing said by its very utterance… which must remain secret, and not leave any other trace behind it but repentance and acts of contrition" (Foucault, 2000:166). Doxtader (2011), in his short but seminal and thought-provoking article, similarly addresses the instability of confessional speech act which appears as an act of self-certainty with self-betraying words. While Foucault does not develop this point further, Derrida's discussion of confession in relation to Paul de Man's essay on Rousseau's *Confessions* provides me with a departure point in my analysis of the performative effects of confession. Like Foucault and Doxtader, Derrida argues that confession neutralises the event it

[67] Foucault, while treating confession as a performance argues that the performative element of avowal in the penal procedure is limited to the court's declaration of the accused as guilty and constituting him from the point of view of the law and institutions as effectively guilty. For him, it is not performative, as "the accused who declares his guilt does not thereby transform himself into the guilty party". I, however, argue that it can be defined as a performative act when Austin's theory of performativity is interpreted in the light of Derrida's and Butler's contributions. By confessing, using established conventions, the accused takes on the perspective of the authorities that declare him guilty and reconstitutes himself as a recognisably guilty person and as a subject within that truth regime (Butler, 2016). This act of self-constitution as a recognisably guilty person simultaneously enacts a perlocutionary effect that is submitting oneself to the processes and institutions of power. The legitimisation of the social and legal order and the punishment one will get are also among the perlocutionary effects of judicial confessions.

produces (Derrida, 2002: 158). It is this simultaneous self-interested and self-effacing aspect of confession which concerns me in this section.

Derrida makes this argument through references to some key episodes Rousseau's *Confessions*, such as the act of theft Rousseau committed when he was sixteen and his subsequent accusation of the innocent maidservant.[68] *Confessions* is no short of explanations for the act of theft Rousseau announces to be ashamed of. While acknowledging the dreadfulness of the lie he told, he states that he had no intention of harming Marion and that the lie he told was the mechanical effect of his embarrassment, rather than his judgment or his will. In another passage, he cites his friendship for her and the fact that he wanted to give the ribbon to her as the cause of his accusation. His reference to his age during his act of stealing the ribbon also serves to his self-excuse. Furthermore, for him, such acts are just innocent desires (Kelly, 1987: 104) and their cause lies in the external world and the circumstances. His account of the natural goodness of human and the genesis of their wickedness is closely related to his aim of self-justification and self-excuse in the *Confessions*.[69] Extreme self-accusation and shame go hand in hand with self-excuse and lack of guilt. In Derrida's words *Confessions*, "both accuses and charges him, condemns him all the more but clears him of guilt by the same token, automatically. One can no longer decide between the two gestures: accusation and excuse" (Derrida, 2002: 95).

Derrida and Paul de Man differ in their assessment of the element of self-excuse in *Confessions*. De Man first distinguishes between confession and excuse arguing that confession is a cognitive speech act that aims to establish facts, tell the truth of an event, and thus refer to something verifiable. On the other hand, excuses deal with the 'inner feelings'; they cannot be confirmed, and they are not referential. He argues that

[68] Rousseau steals an old pink ribbon in Mme de Vercellis' house where he is working. The ribbon is found on Rousseau, but he claims that the maidservant Marion gave it to him. When Marion is also summoned and asked about the ribbon, Rousseau repeats the charge to her face. Marion denies the accusation, but she does not accuse Rousseau. In the end, both of them are dismissed. Rousseau attaches a big importance to this scene, which he also attends in his *Fourth Reveries*. In *Confessions*, he states that "This cruel remembrance troubles me sometimes and upsets me so much that during my sleepless nights I see that poor girl come to reproach me for my crime as if it had been committed only yesterday… this weight has remained on my conscience without relief up to this day, and I can say that the desire to free myself from it in some measure has contributed very much to the resolution I have made to write my confessions" (Rousseau, 1998: 71-72).
[69] See Christopher Kelly's *Introduction* to Rousseau's *Confessions* (1998: xxii)

while confessions may or may not refer to verbal events, the excuse is always purely verbal. No possibility of verification exists for the excuse, which is verbal in its utterance, in its effect and its authority (de Man, 1979: 281). Thus, for de Man the truth principle between the confession and excuse is different, that is the difference between "I did this" and "I did this because of…". On the one hand, there is the confession, which is a revelation of truth, truth to be known, revealed or asserted and which corresponds to a constative statement; and on the other hand, there is the excuse which is apologetic and which corresponds to a performative statement. This implies that there is a possibility for confession without excuse. Yet on the other hand, as it can be seen in the title of his essay *Excuses (Confessions)*, he states that Rousseau's text both functions cognitively and performatively. This is mainly because Rousseau does not stop at admitting to having stolen a ribbon but and lied that it was Marion who stole it, rather tries to explain why he acted that way. But despite this emphasis, de Man continues to separate the cognitive or constative and performative aspect of confession. He chooses to explain the presence of excuses in *Confessions* as a shift, discontinuity or disruption in the text. At this point, I agree with Derrida that excuses in *Confessions* is not a shift but rather confessions are always simultaneously excuses, or apologetic, and that cognitive or constative and performative moments in confession are inseparable and undecidable (Derrida, 2002). Derrida describes this undecidability as follows: "to make known a fault does not come down to making known anything whatsoever; it is already to accuse oneself and to enter into a performative process of excuse and forgiveness. A declaration that would bring forward some knowledge, a piece of information, a thing to be known would in no case be a confession, even if the thing to be known, even if the cognitive referent were otherwise defined as a fault: I can inform someone that I have killed, stolen, or lied without that being at all an admission or a confession. Confession is not of the order of knowledge or making known" (Derrida, 2002: 108).

Departing from Derrida's analysis and taking a step further, I argue that the act of confession is not only in the realm of excuses, but confession is entangled with excuses, justifications, evasions, silences and denial. There is no one way of confessing. A confessional act might involve not only self-excuse but all or some of these elements above, which works towards the effacement of the wrongdoing confessed and the associated guilt and responsibility. I will discuss how this

effacement takes place with an analysis of the immediate and consequential effects of confession on the confessed act and the confessing subject. I discuss these two performative effects of confession as its subject-effect (its simultaneous self-certainty and self-effacement) and its truth-effect (its simultaneous acknowledgement and effacement of wrongdoing and guilt).

Truth-effect

The truth that confessions produce and manifest is not limited to the fact that an event occurred. As I sought to show in the first chapter, confession does much more than making known what was unknown or revealing what was hidden. Furthermore, confession constitutes a specific appropriation of the occurrence of an event. How the facts are narrated and performed and how they are interpreted and appropriated is a political construct (Taylor, 2009:80) and the way an act is narrated and rearranged defines responsibility attached to it. This is by no means to deny that confessions might reveal crucial information on past atrocities, such as the whereabouts of the bodies of the disappeared as in the case of Turkey. Yet, such revelations do not stand alone, but they are usually framed in a political and historical context that reflect the viewpoint of the perpetrator. Besides, what the victims of atrocities are after is not only an account of what happened but also the locus of responsibility and accountability for what happened. For this reason, it is crucial to consider the production of truth in the act of confession not in a referential sense but a wider framework of truth, power and subjectivity.

Confession has come to be regarded as the most authentic and authoritative act of truth. One reason for that is the long history of confession from Ancient Greece to modern times, which associated confession with the truth that is repressed, hidden and revealed with difficulty, by force if necessary. Its internalisation by the modern individuals as a natural human need with cathartic effects further reinforced that idea. Despite the close link of confession with power, violence and repression, the association of confession and truth and the idea that confession manifests a hidden inner self made confession appear as an authoritative and authentic act of truth-telling. Bearing this long history but hiding it, confessional performances construct the act of

confession as a single and unique event governed by a confessing subject. The confessing subject's moral and causal relationship to the act strengthens the authority and authenticity of confession. It is assumed that the subject has access to his truth and has the capacity and authority to narrate it in its fullness. What we have is a truthful subject and a truthful discourse being performed in the act of confession.

The difficulties, resistances and dramatic aspects attached to the confessional performances further add to its authenticity. It is marked with shame, guilt and difficulty of speaking about a hidden truth and acknowledging wrongdoing (Brooks, 2000; Coetzee, 1985; de Man, 1979). The idea of a sovereign subject revealing a previously unknown truth transcending all the difficulties turns confession into a singular 'event'. This could be seen in the obsession of the mass media with confessional performances, as in the well-known cases of the cyclist Lance Armstrong's confession of having used doping to Oprah Winfrey and Bill Clinton's confession of his sexual affair with Monica Lewinsky.[70] In both cases, the act of confession was turned into a media spectacle in which the moment of 'I confess' became a historic event.

What we have in confessional performances is a subject avowing wrongdoing and admitting responsibility. But confession retracts what is uttered through varying rhetorical devices that adjust the act in a way it seems not wrongful. Confession, while appearing as an act of truth-telling produces a certain account of truth by adjusting and reframing the act in question. State actors who make confessions in a heroic and patriotic manner (Payne, 2008), often engage in self-righteous rhetoric and justify the act with references to their ideological convictions and official discourses. Another common strategy in such confessions is the denial of victim, by way of blaming the victim, arguing that they deserved it, moral indifference to their suffering and claiming to be the real victim.

State actors who engage in remorseful performances often reframe the act in question by minimising it and its consequences. With a view to efface their responsibility, they

[70] Transcript: President Bill Clinton's Speech, 17 August 1998, CNN, http://edition.cnn.com/ALLPOLITICS/1998/08/17/speech/transcript.html

deny the full knowledge of the act through appeals to euphemisms, language codes, ambiguity and secrecy (Cohen, 2001). Another common strategy they use is normalisation and objectification of the act by presenting it as an inevitable consequence of their personal trajectories. Goffman's notion of *sad tales* is useful to explain how perpetrators gradually normalise their acts by rearranging the facts of the past to explain their present state in a linear and causal way. In *Asylums,* Goffman explains in a milieu of personal failure and one's fall from grace, how inmates, in prisons and mental hospitals, tend to develop a line, *sad tales,* to account for their present low state, to show that they are not responsible for what has become of them or that their past life had some honour and rectitude (Goffman, 1961). Divorcing the event of its historical and political character and abstracting it helps to naturalise, dehistoricize and normalise the wrongdoing (Tell, 2008). Engaging in such rhetorical strategies, perpetrators reframe and disavow the meaning of the acts they confess.

By reframing and readjusting the act in question in a way that makes it not wrongful or the perpetrator not guilty, the act of confession turns into an effacement of the deed and associated responsibility. This is because confession is not a constative utterance aiming to inform the other of the facts, but a performative act seeking forgiveness or justifying oneself. Besides not being in the realm of making known, confession hides, it effaces what is uttered through the rhetorical and performative strategies which I will discuss more specifically in my case studies.

Subject-effect

The effacement of the wrongdoing and the responsibility for it also takes place at the level of the subject. As I argued above, confessional performance presents the act of confession as governed by a subject. The authority of confession is derived from the authenticity of the experience of the confessing subject and his proximity to the truth. The subject's causal relation with the act and the truth in the sense of having committed and having witnessed the act makes him capable of a confessional account. As Gilmore (1994: 107-108) puts it "in order to stand as an authoritative producer of "truth" one must successfully position oneself as a confessing subject whose account adequately fulfils enough of the requirements of confession". When one makes a

confession in front of authority, it automatically leads to the presumption that he has a causal relation to the wrongdoing in question and suffering of others. In Butler's words "a narrative that responds to an allegation must, from the outset, accept the possibility that the self has causal agency, even if, in a given instance, the self may not have been the cause of the suffering in question" (Butler, 2005: 12). Self-expression is considered as a sincere, authentic act of bearing witness to the truth.

The emergence of the subject avowing his wrongdoing is crucial in the realm of law. By confessing, the subject who committed or accused of wrongdoing does not only appear as a legal subject who accounts for what he did, but it gives way to a subjectivity that maintained a significant relationship to his crime (Foucault, 2014b:211-212). This is crucial to locate the responsibility in the subject. According to Nietzsche's account of the origins of guilt and responsibility in *On the Genealogy of Morality*, the subject is produced as prior to a deed to assign blame and accountability for the consequences of an act. He describes this process as moralisation as a result of which pain and injury are rendered equivalent, and painful effects are suffused with an intention (Nietzsche, 1997). Through the fabrication of the subject as the prior and causal origin of a painful effect, the painful and injurious act is also reduced to a 'singular act' (Butler, 1997: 45). And the wrongdoing committed is reduced to the failure of the individual. The subject who avows his crime is divorced from the broader system that enabled that deed at the beginning. In this way, the cause of the injury is located in a speaking subject (Butler, 1997). What this does is to hide the broader social and political frameworks which constitute the subject, his wrongdoing and his speech act (Butler, 1997: 80).

In the case of confessions of atrocities or state crimes, confessional performances appear as constructing the avowing subject as the locus of responsibility reducing the totality of the act to the individual and his psychology. Such a moral causality serves to isolate the cause of those effects in a singular and intentional agent. In this way, the historicity of the act is reduced to the intention of the subject and the moment of utterance. The moral causality established between the subject and its deed leads to a 'subject-effect', in Butler's words. In this way, confession fixates the subject as the cause and the origin of the act in question and as the locus of responsibility. This is what I mean by the subject-effect of confession.

However, while the act of confession is a performance of self-certainty, it is also a self-betraying speech act undermining its veracity (Doxtader, 2011). One of the performative effects of the act of confession is the denial of agency, intent, autonomy or choice by appealing to the chain of command, necessity, self-defence and higher loyalties (Cohen, 2001; Sykes and Matza, 1957). Splitting the self, and creating a discontinuity between the self who committed the crime and the self who is confessing is another common strategy. The act of confession creates a fissure between the past and the present, which is the condition for the confessional act. The life of the confessing subject falls into a before and after, "the before being 'an abyss of error', the after a time of 'everything reversed'" (Coetzee, 1985: 201). Acknowledging his presence before and during the act, the confessing subject says, "I was there", "I did it" but then he adds "I am not that person anymore". By confessing, the confessing subject claims to have transformed, distances himself from the subject who committed the wrongdoing and shows that he wants to be forgiven and reintegrated into the society. As Terry (2006) argues, by casting their audiences as voyeurs or absolute others, these speech-acts give the illusion of self-overcoming while leaving broader social structures fundamentally unchallenged and unchanged. Confessional performances, in that sense, can be regarded as acts of conversion between the old and the new selves (Docherty, 2012). Docherty, referring to Lyotard's unfinished and posthumously published notes on St Augustine's *Confessions* argues that "the now exists as a formal requirement for the construction of a narrative that *explains* the conversion" (Docherty, 2012: 13). The 'now' of confession is the moment of conversion, which means the confessing subject is not the subject of the wrongdoing anymore. Although the subject of the wrongdoing is viewed as a shifting and unstable entity, the confessing subject is regarded as stable and fixed (Terry, 2006). It is this performance of self-transformation and a break with the past that gives authority to the confessing subject and leverage to his confessional account.

The distancing from the subject of wrongdoing is also realised through the narrative of confession. It is usually constituted by a denial of previously held truth, a new truth denying the old truth. The confessing subject declares his previously held beliefs that led to the atrocity as wrong and provides us with another account that he deems true.

The distancing of the subject from the act could also be seen in the structural formation of the narrative. The subject of the sentences describing acts of violence are either made in the passive mode or imply a plural unknown subject. What the plural subject form does is not only to address the collective of individuals and institutions that took part in committing the deed but to distance the confessing subject from the deed. This, similarly, results in the loss of the subject of the wrongdoing in the confessional narrative.

In cases when the perpetrator does not assume full responsibility for his past deeds, he refers the act as an aberration. Or by splitting his self through references to both good and bad deeds he committed, the confessing subject creates a sense of instability about the subject of the wrongdoing. Bryant et al (2017: 4) define this strategy as the 'metaphor of the ledger' referring to the perpetrators' claim to have also done good deeds in the case of the Rwandan genocide. Such splitting strategies enable the confessing subject to offset undesirable actions by highlighting those better aligned with normative behaviour. Such narratives are strengthened through references to self-victimisation narratives. Confessional narratives of wrongful acts are usually marked with the difficulties and torments that the perpetrators have gone through after committing the wrongdoing. Becoming an alcoholic, sleeplessness, hopelessness, being abandoned by people around them and exclusion are among the common themes. They recite the psychological and material cost of the crimes they committed and the difficulties they had been going through to make the confession. This is a way of evasion, deflecting the attention from the victim to the perpetrator.

Constructing the act as an inevitable act, that I referred in the *truth-effect* section, also generalise the human condition that led to the wrongdoing. The confessed act becomes an act that anyone would or could commit under the same circumstances. The abstraction, dehistoricization and naturalisation of the confessed act turn it into universal guilt. What is being said is "anyone in my position would do the same thing". The impression given is that "this is the pattern of a behavioristic universe; this is how society works; this is the law of human behaviour" (Gerbner cited in Tell, 2012). Brooks addresses this point in relation to Rousseau's *Confessions* and Albert Camus' *The Fall*, arguing that the protagonists in these works naturalise guilt and implicate others as equally guilty of their shameful acts (Brooks, 2000:73). While

they accuse themselves, they invite the other to do the same. The confessing subject demands a counter confession. The audience is implied and made complicit through the objectification of guilt. Jean Baptiste Clamence, the penitent judge in Camus's *The Fall* says "Most often, on the other hand, we confess to those who are like us and who share our weaknesses. Hence, we don't want to improve ourselves or be bettered, for we should first be bound to be judged in default. We merely wish to be pitied and encouraged in the course we have chosen. In short, we should like, at the same time, to cease being guilty and yet not to make the effort of cleansing ourselves. Not enough cynicism and not enough virtue." Confession turns into an invitation of empathy. The audience approximates to the confessing subject at every explanation that confession provides and is made complicit through the objectification of guilt, or *banality of guilt* in Brooks's words. This interchangeability of the speaking subject and the audience, as well as the performance of self-punishment and self-exposure, are among the reasons for the interest and public circulation of confessions (Tell, 2008; Terry, 2006).

The break between the confessing subject and the confessed self and the loss of perpetrator in the narratives shadow the responsibility and accountability for the wrongdoing. If one can claim to tell the truth only with his converted self, if one has access to the truth with his new way of seeing, can the prior self be held responsible for the wrongs he committed? This is a crucial theme in St Augustine's *Confessions*. He asks whether one can be held responsible for the acts he committed when he was an immature boy and for his desires and his sins in his dreams when he is not awake. It remains an open question in the *Confessions* whether he is a product of his family, teachers nature and God and whether he is responsible for his self-fashioning and sinful being (Taylor, 2009: 35). By positioning the self who committed the act as one who was not able to see the truth or who was put in that situation as a result of inevitable circumstances, he is divorced of his capacity for responsibility. How can one judge an unintentional and unconscious act of wrongdoing? By enacting a break between past and present, confessing subject is no more the subject of the wrongdoing. The act of confession annuls its subject and efface responsibility and accountability for the atrocity in question. Thus, rather than revealing the hidden truth, confession might also function as concealment of guilt and responsibility (Terry, 2006).

Giving a confessional account

My approach to confession as an account entangled with excuse, justification, silence, denial and evasion runs counter to the conventional understanding of accounts in sociology. In the literature on perpetrators' accounts or techniques of neutralisation, confession is generally situated apart from excuses and justifications (Huggins et al., 2002; Scott and Lyman, 1968), often despite the resistance of the empirical cases to such classification.[71] In this section, I will describe how I benefit and depart from the sociological literature on perpetrators' accounts to neutralise their acts. Although performativity theory and neutralisation theory in criminology have not been put into a dialogue before, there is a strong relationship between them, and I believe my analysis informed by Derrida's and Butler's works on performativity could further contribute to this literature.

As described above, perpetrators' accounts are essentially performative accounts aiming to neutralise the crime they committed. Individuals engage in a confessional performance to acknowledge past wrongdoing and give an account of themselves, for reasons including to explain or rationalise the act, to manage the impression and perceptions of the audiences of themselves, to manage the stigma, to avoid moral culpability, to renegotiate their tarnished images, to reintegrate into the society, to put blame on others and to minimise or avoid punishment (see Goffman, 1956; Hepworth and Turner, 1982; Sykes and Matza, 1957).[72] The strategies used by offenders to neutralise their acts have been referred in the sociology of crime as vocabularies of motive, such as excuses and justifications (Mills, 1940; Scott and Lyman, 1968; Snyder et al., 1983) and techniques of neutralisation (Sykes and Matza, 1957). Sykes and Matza developed their theory initially on juvenile deviance, and the others

[71] For example, Huggins et al. (2002: 204), in their study on police violence in Brazil state that the least common among their accounts was to openly and unequivocally confess to violence. Even in one case of confession they documented, the perpetrator "who fully admitted to having murdered for the state, qualified his confession with the caveat that his violence, carried out as a DOI murder team operative, had been preferable to colleagues", and their acts of torture.

[72] I am concerned with the accounts of perpetrators offered to the public rather than to the courts with legal validity. Elster shows that excuses or justifications provided by actors to look good in their own eyes or in those of others, rather than to avoid punishment, are often those that would not be accepted by the courts, such as 'others did it too", "others did things even worse" (Elster, 2004: 143-144)

concern more general accounts, but they were later applied to more serious crimes committed by adults and state actors, as Stanley Cohen did in his *States of Denial* in relation to state crime. Cohen (2001) demonstrates how ideological versions of similar neutralisation techniques are used in political accounts.

A confessional account is a situated act imputed by others before they are avowed by self, meaning that, individuals learn and appropriate vocabularies of motives along with rules and norms for various situations from their childhood (Mills, 1940: 909). The crucial point that Mills makes about accounts, in general, is that actions and language are not external manifestations of subjective and deeper lying elements in individuals, but rather products of specific historical and social situations. Individuals internalise social norms, learn a repertoire of background expectancies appropriate for particular circumstances which make the deviant acts and their neutralisation possible. These background expectations, as Scott and Lyman (1968) call it, determine the range of alternative accounts deemed culturally appropriate. One account in one community might not be acceptable or appropriate in another community. Thus, an account that one employs at the beginning of an act might differ in the course of the act depending on the setting or the responses of the audiences. This means that accounts following a deviant behaviour are not post-facto explanations, but they precede the deviant behaviour and enable it to take place from the beginning (Mills, 1940; Sykes and Matza, 1957; Snyder et al., 1983). As Cohen also argues they function "after the act to protect the individual from both self-blame and blame by others, and before the act to weaken social control… and make delinquency possible" (Cohen, 2001:60). This, however, does not happen in a deterministic sense. This is similar to my discussion of citationality of confessional accounts drawing on Butler and Derrida. According to that, accounts, including confessional accounts reiterate existing conventions in a society by which they are mobilised.

Sykes and Matza's *Techniques of Neutralization: A Theory of Delinquency* has been one of the primary texts to analyse individuals' verbalisations of the reasons of their deeds perceived as deviant. This theory, since its advent in the 1950s, has been applied to various fields including state crime and genocide (Cohen, 2001; Bryant et al., 2017; Anderson, 2017). Sykes and Matza classify techniques of neutralisation into five categories which include the denial of responsibility (denying personal

responsibility by putting the blame on outside factors beyond one's control and thereby breaking the link between oneself and one's act); denial of injury (arguing that no one has been hurt or injured as a result of his actions and thereby breaking the link between the act and its consequences); denial of the victim (arguing that the wrongdoing and the injury resulted from the actions of the victims, and thereby transforming the victim into a wrongdoer); condemnation of condemners (shifting the focus of attention from his own deviant acts to the motives and behavior of those who condemn his acts); and the appeal to higher loyalties (highlighting one's more pressing and higher loyalties such as friends, family, political groups) (Sykes and Matza, 1957: 668).

Following on from Austin's work on excuses and Sykes and Matza's techniques of neutralisation, Scott and Lyman distinguish accounts into excuses and justifications. According to this distinction, "justifications are accounts in which one accepts responsibility for the act in question, but denies the pejorative quality associated with it", while "excuses are accounts in which one admits that the act in question is bad, wrong, or inappropriate but denies full responsibility" (Scott and Lyman, 1968: 47). Excuses include four modal forms; appeal to accidents (an aberration, does not occur often), appeal to defeasibility (not acting with full information or free will), appeal to biological drives, and scapegoating. Scott and Lyman describes the techniques of neutralisation (except the denial of responsibility which comes under excuses) as examples to forms of justification. To that list, they add 'sad tales', used by Goffman in *Asylums* referring to distorted rearrangement of facts on one's biography to explain a present state, as well as self-fulfilment, which is a form of justification when one justifies an act as self-fulfilling and sees nothing wrong. Another frequently referred study, by Snyder el al. (1983: 4-7, 45-52) also list common excuses used as 'I didn't do it' (outright denials (in the sense of lies), alibis, blaming others), 'It wasn't so bad' (minimisation (of the act), justification (reasons, rationalisations), derogation (downgrading the setting, the critic or the victim) and 'Yes, but' (acknowledging but putting the blame to an outside force like mental illness, fate).

Like Austin's discussion of the felicitousness of performative speech-acts, the success of these accounts, or 'honouring' of these accounts in Scott and Lyman's words,

depend on several elements, including the verbal account itself, appearances, setting, the gravity of the event, social circles and background expectancies. The failure to employ proper linguistic style for a particular social setting might lead to dishonouring of the account or might call for further accounts. Who is giving the account, his or her position in the social structure, in the hierarchies of authority also influence the reception of the account. While some people are in positions without any accountability and hence not expected to give an account, the accounts of some people can be deemed illegitimate from the beginning. Or some are more vulnerable to give an account than others (Scott and Lyman, 1968). When an account is not successful, felicitous or honoured, it will be regarded as either illegitimate or unreasonable. Here it is crucial to remind Hepworth and Turner's criticism of Scott and Lyman's argument that an account is acceptable when they match common background expectancies. They argue that an account is not accepted only when it conforms to existing expectancies but that there are different ways of accepting an account; an account may be pragmatically accepted, rather than honoured, because it does not matter to the interrogator whether it is reliable, the cost of challenging an account might be higher, the person might not have any other choice in presenting an account due to use of force etc. (Hepworth and Turner, 1982: 140) An account might also be one outlining the reasons of not giving an account, which is a frequent type encountered in the case of state crime. Using strategies such as mystification, referral and identity switching, individuals might avoid giving information and try to blur understanding of audiences (Scott and Lyman, 1968). Mystification strategy, which is a frequently used one in Turkey argue that there are reasons for not giving an account but the person cannot tell what they are, that, there are certain secret facts he cannot tell.

Neutralisation theory has been developed in the last few decades yet without much change to its basis. The theory was either used to illustrate how neutralisations are used by deviant actors and listed the diverse motives and excuses, or the research has mainly been based on the empirical assessment of the theory (Maruna and Copes, 2005). Rather than further developing the theoretical framework, the list of excuses and justifications have grown more and more. Furthermore, confession has generally been ignored as an account in classifications developed by Sykes and Matza or Scott and Lyman. Hepworth and Turner (1982: 158-159) also raises this issue on their work

on confession, where they state that confession is a "neglected form of apology which involves the individual separating himself into two parts: the part that is technically guilty of the offence and the part that disowns itself from guilt and swears allegiance to the norms which have been violated". Their argument is based on the general understanding of confession as a way to acknowledge responsibility rather than to neutralise it. Following from that, Hepworth and Turner (1982: 140-141) add confession as another form of account, and they argue that unlike excuses and justifications, a confession involves, in principle, a social actor accepting full responsibility for untoward behaviour and accepting the pejorative implications associated with it. Likewise, Schönbach (1980) considers confession under concessions which is an admission of wrongdoing. Such an understanding locating confession at the opposite of denial and neutralisation can also be seen in offender treatment programs which use confession to help overcome denial and challenge offender rationalisations (Maruna and Copes, 2005: 241).

In contrast to the approaches discussed above, I consider confession, not as a third strategy, but an account which uses various neutralisation techniques, including denials, excuses and justifications.[73] Confession, according to my understanding, is not solely an admission of guilt and responsibility, but its simultaneous effacement. Although this idea is partially implicit in Cohen's theory, he does not articulate it explicitly and does not engage in a separate discussion of confession. He argues that vocabularies of motive which aims to neutralise the act come into play after the admission of the act, but either in the form of refusal to accept the category of acts to which it is assigned such as massacre or presenting it as morally justified. (Cohen, 1993). Departing from the studies on the complexity of confessional accounts, particularly by Brooks, Foucault and Derrida, I argue that forms of denial, justification and excuse as well as evasion are intertwined in perpetrators' confessions. This is because confession is not a simple acknowledgement of an act but a detailed explanation of why one committed an act. One explains the motives, intentions and feelings behind an act demanding absolution and forgiveness. Giving

[73] The study by Weiner et al. on the role of public confession as an impression management technique similarly reveals that 'confessions and excuses are not as distinct as prior classifications have intimated'. They state that 'One can confess and publicly accept personal blame, and yet supply an excuse denoting that one is not truly blamable!'

an example of a trial in 1975 in Paris, Foucault (2000: 177) explains that even when the facts are established and the defendant admitted the crime, the court demands the defendant to confess, self-examine and explain himself. Confession is crucial for the functioning of the judicial system, as it is not only interested in the crime but also criminal subjectivity and circumstances of the crime. As an explanation in the face of an external or internalised accusation, confession is concerned with one's guilt or innocence. Thus, while performed as an avowal of wrongdoing, confessing subject retracts what is uttered through different strategies of excuse, justification, denial and evasion.

In the following sections, I aim to describe the rhetorical strategies used by the state actors in their confessions functioning to erase or efface the wrongdoing and responsibility. Although the techniques developed in decades of neutralisation research in criminology and social psychology are helpful in my analysis, what is more interesting for me is not listing the strategies used by the actors but the function of these strategies. Besides many of the strategies listed in these studies are not mutually exclusive and they are drawn from a large repertoire varying according to social, cultural, political and historical contexts they are taking place. The repertoire of the rhetorical and performative strategies that perpetrators employ also vary according to the positioning of the perpetrator (particularly with respect to professional status, rank, class, ethnicity and gender) as well as the form and the content of the confessional performance. Thus, my aim is not to produce a general account of the rhetorical and performative strategies that perpetrators of state violence employ, despite the vast similarities across different contexts. Rather than listing the strategies they use, I will analyse how they reframe and position the act they confess and their subjectivity and the consequences of this repositioning on their guilt, responsibility and accountability.

In the sociological literature on accounts, a similar approach could be found in Ditton's study where he distinguishes accounts as *actor adjustment* (denial of full responsibility by psychologically excusing the self on the grounds of the denial of imputability, splitting the self) and *act adjustment* (adjust the fault component of the act in question as a form of circumstantial excuse, neutralising the wrongfulness of the act) (Ditton, 1977; Cohen, 2001). I prefer analysing performative effects of

confessional performances using the notions of *truth-effect* and *subject-effect* to address the simultaneous processes of avowal and disavowal, and to emphasise the structural factors influencing the effects of speech acts, going beyond the intention of the confessing subject.

To sum up, confessional performances, which are often characterised by guilt, shame and difficulty, appear as a single unique event performed by a confessing subject who avows past wrongdoing and acknowledges responsibility for it. But the subject who holds responsibility for the act is lost during the act of confession. Confession first reduces the responsibility for the act to the individual hiding the historicity of the act and divorcing the wider structures or the state of responsibility, and then effaces the responsibility of the individual through the act of confession and confessional narrative. In that sense, confession can be considered as a technique of neutralisation. Although it appears as the opposite, it attempts to redefine the nature of the injury, to justify the action by questioning the innocence of the victim or to legitimate the action by a 'condemnation of the condemners' similar to other neutralisation techniques in deviance theory (Hepworth and Turner, 1982: 18, 37). Thus, through performative effects on truth and subject, by reconstructing or readjusting the act and the actor, the confessing subject effaces guilt and responsibility arising from the confessed act.

CHAPTER 3: STATE VIOLENCE AGAINST KURDS IN TURKEY DURING THE 1990s

Introduction

Denial, in its different forms, has constituted the main characteristic of the official policy on the state violence against Kurds in Turkey, regardless of changing governments and their differing policies, representing continuation of the *raison d'etat* (Bozarslan, 2015; Şahin Fırat, 2014). In his seminal book *States of Denial*, Cohen presents an elaborate framework on the forms that denial takes, not as a fixed category, but intersecting with each other and transforming in time in interaction with audiences, social and political changes. According to that, one can deny a fact or knowledge, which he calls 'literal denial', or its psychological, political or moral implications (Cohen, 2001: 7-8). The form denial takes changes as the evidence of atrocities emerge, official denial is challenged internally and externally, and the governments and their political interests change over time. Furthermore, different forms of denial can take place simultaneously in state institutions, as the state itself does not act as a unitary force, but rather is an ensemble of institutions that do not necessarily share a single set of interests and goals (Jessop, 1982). The Turkish state has engaged in different forms of denial with regards to the state violence against Kurds and other minorities. Regarding the denial of the Armenian Genocide, Hovannisian (2003: 2) states that 'The failure of absolute denial has led to more devious and sinister forms through rationalisation; that is, explanations and excuses for what occurred, and through relativization; that is, attempts to obscure the intent and scope of the crime by placing it within the context of general human suffering during wartime". Denial, through rationalisation of what happened by situating it within war and national security context, emphasising violence and provocations committed by the other party, minimising the number and the significance of the atrocities or blaming individuals within the state exonerating the state itself has also formed the Turkish state's policy of denial in the context of the Kurdish question. As I argued in the Introduction, denial and silencing went hand in hand with proliferation of discourses on state violence, either in the form of reports by the media, NGOs or

the Parliament, or in the form of first-person narratives by the very perpetrators of state violence, such as memoirs, autobiographies and public confessions.

In this chapter, I aim to discuss the dynamics between denial and acknowledgement regarding the atrocities against Kurds in Turkey during the 1990s. A picture of the culture of state terror in Turkey is crucial to understand the historical and political context of the public confessions of perpetrators, which will form the basis of the next three chapters. I will start the chapter with a discussion of the Turkish state's policy of denial and silencing which will be then followed by a discussion of the actors of state violence, especially the Gendarmerie Intelligence and Counter-terror (JİTEM), a secret unit within the gendarmerie. As the confessions I will analyse mostly relate to the atrocities committed by JİTEM, I will provide a discussion of the formation of the unit and its links with other state security units and paramilitary groups, along with other actors of state violence. The chapter will continue with a discussion of the existing mechanisms to account for state violence and the key political periods that sparked public debate on the past and led to some revelations on state violence.

State violence against Kurds

The Turkish state's official policy of denial has defined the state discourse on the ethnic, cultural and political identity of the Kurds as well as political violence against them. Until the 1980s, the existence of any Kurdish element in Turkish territories was denied, and the Kurds were presented as of Turkish origin, 'mountain Turks', who had 'forgotten their mother-tongue' over years of foreign influences (Yeğen, 1999). Before the 1980s, the state discourse on Kurdish uprisings was along the lines of reactionary politics, banditry, tribal resistance and regional backwardness, but following the start of the armed conflict with the PKK in 1984, national security and counter-terrorism have formed the main official discourse (Yeğen, 1999: 555). Defining the PKK and its supporters as separatist terrorists posing a threat to the national unity and security, the state resorted to military and security means often entangled with illegal counterinsurgency methods to suppress and control the Kurdish population. The conflict has been shaped by both domestic historical and political developments such as the 1980 *coup d'etat* which legitimised the increasing

oppression of Kurds and international developments such as the role of surrounding countries with Kurdish populations, Iran, Iraq and Syria as well as the US interests in the Middle East. Consequences and dynamics of these relations, underdevelopment, economic hardship, police violence, discrimination and racism all fueled the conflict further. The conflict has been further defined by the dominant ideologies that shaped the Turkish state's war against the PKK, which are Sunni Turkish nationalism, militarism, Kemalism and anti-communism, serving as useful tools to generate public support.

Kurdish region in Turkey has been ruled under the state of emergency and martial law regulations since 1927 (Jongerden, 2007: 53) enabling the Turkish state forming and legitimising a constant military presence and pressure on the local population. The path leading to the full-scale violence against the Kurds in the 1990s was formed with the introduction of the state of emergency in Kurdistan in 1987, which lasted until 2002.[74] Respective governments during that time employed full powers of the state apparatus including high military and national security spending, control on economy creating unequal development, controlling legislation including restricting and banning rights and freedoms, repressing the opposition, media censorship and propaganda, arbitrary detention and prosecution and forced displacement of the population. The 1990s, which constitutes a unique but part of a continuum of state violence against Kurds in Turkey, has gained a special meaning in the minds of Kurds representing enforced disappearances, political killings, forced displacement. The regional governor for the state of emergency was given extraordinary powers including introducing curfews, restricting freedom of movement, evacuating villages[75] and hamlets temporarily or permanently for general security reasons, suspending education at all levels, introducing food and livestock quotas and restricting the press.[76] The state-appointed governors endowed with extraordinary

[74] Eight Kurdish provinces were already under a state of emergency that was declared in 1982 following the coup. In July 1987, martial law was lifted in the Diyarbakır, Hakkari, Siirt and Van provinces, and the State of Emergency Regional Governorship was formed covering initially 11 and 13 Kurdish provinces by 1990.

[75] Whilst the Governorate had that right, it must be added that they have never officially acknowledged that they used their authority to evacuate villages. In the Parliamentary Commission's report on village evacuations all State of Emergency governors deny that they gave orders for village evacuations. The villagers are often forced to state that their villages were evacuated due to pressures and attacks by the PKK or for economic reasons.

[76] Jongerden (2007), Truth, Memory and Justice Center (2013: 16)

powers ruled the region together with military commanders, special police forces and paramilitary groups (Uçarlar, 2015: 99). Other state bodies including the judiciary and the Forensic Medicine Institute supplemented the security apparatus through restrictions on freedom of expression, judicial harassment and the concealment of torture and ill-treatment. The Constitution and the law per se were suspended throughout the state of emergency regime, and Kurdistan was ruled by decrees, regulations and National Security Council decisions (Şahin Fırat, 2014: 377). Defining the conflict with the PKK as a 'special war', the state developed special mechanisms to counter the PKK and to suppress the Kurdish population deemed to be in support of the PKK. These mechanisms included special laws, special courts (as in high criminal courts with special competency), special prosecutors and special prisons, acknowledging the special treatment of the Kurds in Turkey. Deployment of special forces in Kurdistan did not only create 'elite specialists in "dirty war"' but also constituted part of a broader propaganda battle. Their speciality meant they could enjoy de facto legal impunity.[77] The PKK 'separatism', defined as the common enemy, was used to legitimise the increasing militarisation of the region, high military spending and suspension of laws and rights and the special treatment of Kurds in Turkey. The state was both the law and its transgression (Taussig, 1997). A journey from western Turkey to eastern Turkey would demonstrate this 'special' treatment, defined by the state of emergency regime, high police and military presence, frequent stops and searches, curfews, embargoes on food and fuel, widespread poverty, poor public services and infrastructure. Basic public services including education and health were provided through incentives paid extra for the civil servants serving in the Kurdish provinces. The Kurds were labelled as dangerous, terrorists, separatists hence undeserving citizen rights and deserving repression. It is this narrative against the Kurds which went beyond the PKK uprising and which legitimised the state oppression of civilians.

From 1989 until the late 1990s, the security units and state-sponsored paramilitary groups committed grave atrocities against Kurdish civilians from mass forced displacement to enforced disappearances. According to the Political Terror Scale which is calculated based on Amnesty International and US State Department's

[77] For a similar analysis of use of special forces in Northern Ireland, see Jamieson and McEvoy, 2005: 508

human rights reports, state terror during this period varied between the highest levels, reaching a peak between 1992 and 1996, especially during the term of Tansu Çiller as the prime minister (Söyler, 2015: 147, 203). Parliamentary Human Rights Commission reported the number of deaths among the regular armed forces, village guards, public servants, and law enforcement personnel as 7.918, the number of PKK militants killed as 22.101 and the number of civilian deaths as 5.557 by 2013.[78] These figures do not include the extrajudicial killings and forced disappearances. Citing the statistics reported by the human rights associations (Human Rights Association (İHD) and Human Rights Foundation of Turkey (TİHV)), the Commission reports that 2.872 people were killed by 'unknown assailants' and 1.945 people were killed in summary, arbitrary and extra-judicial killings.[79] According to the TİHV, the number of extrajudicial killings between 1991 and 2011 is 1.901. The Centre for Truth, Justice and Memory, a human rights NGO working on forced disappearances reports that 1.352 people were forcibly disappeared from 1980 to today.[80] The statistics on atrocities itself is a political matter, and it proves to be highly challenging to get reliable and credible data on the atrocities against Kurds.

Along with the increase in forced displacement and extrajudicial killings, disappearances increased drastically between 1993 and 1996.[81] The fact that many civilians killed by military and paramilitary forces were reported as 'terrorists' and many families could not even make a complaint in relation to torture, killing or disappearance of their loved ones indicate that the number of civilian deaths could be much higher. Throughout this period around three million people were forcibly displaced, and thousands of villages and hamlets were evacuated or burnt down

[78] See Parliamentary Human Rights Commission (2013), Investigation Report on Violations of the Right to Life in the Context of Terror and Violence Incidents, https://www.tbmm.gov.tr/komisyon/insanhaklari/belge/TER%C3%96R%20VE%20%C5%9E%C4%B0DDET%20OLAYLARI%20KAPSAMINDA%20YA%C5%9EAM%20HAKKI%20%C4%B0HLALLER%C4%B0N%C4%B0%20%C4%B0NCELEME%20RAPORU.pdf

[79] ibid.

[80] Truth Justice and Memory Center (Hakikat Adalet ve Hafiza Merkezi), *Türkiye'de Zorla Kaybetmeler Gerçeği*, retrieved from http://hakikatadalethafiza.org/turkiyede-zorla-kaybetmeler-ve-cezasizliga-dair-temel-bilgiler/turkiyede-zorla-kaybetmeler/

[81] Although systematic state violence against civilians were at its peak in 1990s, following the collapse of the peace talks between the PKK and Turkish state in 2015 and consequent curfews in Kurdish towns and clashes between security forces and armed urban youth, at least 321 civilians were killed between. Human Rights Foundation of Turkey, 'Curfews Between August 16, 2015 – August 16, 2016 and Civilians Who Lost Their Lives', August 2016, retrieved from http://en.tihv.org.tr/curfews-between-august-16-2015-august-16-2016-and-civilians-who-lost-their-lives/

(Zurcher, 2004; McDowell, 1996; Bozkurt, 2000).[82] Forced displacement and evacuation of villages went hand in hand with other atrocities against the villagers. State violence against Kurds which manifested itself in the form of forced disappearances, torture, killings and forced displacement did not only aim at eliminating the PKK threat but also destroying the Kurds' ethnic identity and political and economic agency. As described in Sluka's definition of state terrorism it does not only aim at the elimination of armed opposition, but it is also a means of intimidating and controlling civilian individuals and populations through 'the use or threat of violence by the state or its agents or supporters' (Sluka, 2000: 2). In addition to the atrocities against Kurds, the war with the PKK has been considerably profitable for the state and big businesses in Turkey and outside, enabling a large network of drug and arms trafficking and other illegal cross-border activities.

With the start of the conflict, the understanding of national security and military structure has also undergone significant transformation. While the state initially undermined and underestimated the PKK, referring to it as 'a few thugs' and 'a handful of bandits',[83] it later realised the extent and the nature of the threat that the PKK posed to Turkey as a well-organised guerrilla force with significant local support. Since the Turkish army was mainly structured according to interstate warfare, a process of restructuring the military in line with unconventional warfare and 'low-intensity conflict' has started (Biberman, 2016; Balta Paker, 2010). A crucial part of this change was the formation of extralegal military forces and paramilitary units in the Kurdish region with complete impunity and getting direct or indirect support from state authorities. During the war with the PKK, the Turkish state resorted to a combination of different counterinsurgency methods. Different examples of state terrorism show that state terrorism through the deployment of armed forces is

[82] While according to the state 380.000 people were displaced and 820 villages and 2345 hamlets were evacuated (Parliamentary Inquiry Commission), human rights NGOs argue that around 3.500.000 people were forcibly displaced and 3.500 villages were evacuated. The United Nations High Commissioner for Refugees (UNHCR, 1996: 9) states that as of 1995 there were 2 million internally displaced people in Turkey. These different statistics arise from the lack of research on the issue, different conceptions of internal displacement and the difficulty of calculating the numbers due to its irregularity. Also as Ayata and Yükseker point out, while the state bases its figure on the 1990 census figures for villages and hamlets whose residents were subsequently completely evicted, the NGOs figures include all people forced or compelled to leave their homes because of feelings of insecurity, armed clashes, military- imposed food embargoes as well as threats by the security forces, the PKK and government-employed village guards (Ayata and Yükseker, 2005: 15).
[83] Truth Justice and Memory Center (2013: 15)

blurred with the operation of clandestine death squads (Sluka, 2000; Warren, 2000: 227). As Warren argues "this technique of organised violence, often viewed as spontaneous, and routinely disavowed by state authorities, is not incidental to these conflicts but rather intrinsic to internal warfare" (Warren, 2000: 226). There are various ways in which states use death squads depending on specific contexts and needs. While in certain cases they are used to supplement state's military forces by engaging in extrajudicial killings, disappearances, retaliatory abuse and intimidation of local people, in other cases the state forces themselves might act as death squads. In the case of Turkey, while the gendarmerie forces in Kurdistan organised its own death squads collaborating with village guards, informants and far-right groups, a paramilitary group *Hizbullah* has supplemented this work from outside. Yet the revelations and ongoing court cases showed that all groups involved in such atrocities against civilians had links with certain sections of the state and the military.

Foster et al. (2005: 327-328) describe several factors that work together in acts of political violence including ideological factors, organisational factors (norms, conformity, obedience to authority, bureaucracy, rituals, habits, loyalties, commitment as well as economic, communicational, cultural, political, symbolic resources) and sense of entitlement. All these resonate in different ways depending on the specific context, hence leading to divergences among the actors of state violence. The security units active in Kurdistan similarly had their differences, sometimes leading to an internal conflict regarding their fields of duties, authorities and entitlements. Despite that, the whole state apparatus in Kurdistan has supplemented each other's work in different ways. Governors, chiefs of police, military commanders, prosecutors have all constituted actors of state violence.

The key to Turkey's change of its warfare strategy has been the restructuring of the Special Warfare Department into Special Forces Command in 1992. Special Warfare Department – its initial name being *Seferberlik Tetkik Kurulu* [Council for Mobilization Research][84] - was formed in 1952 when Turkey joined the NATO. The official task of this secret organisation was "to use guerrilla methods and all possible underground activities in the ease of a Communist occupation or of a rebellion in

[84] The group was initially named 'Institute for War Research' which was later renamed as Special Warfare Department in 1965.

order to bring an end to the occupation". Similar secret organisations composed of both military officers and civilians existed in other NATO countries[85] (Gökay, 2006:76; Ganser, 2004). It is now well documented that these clandestine groups were used against the left-wing and communist movements in particular between the 1960s and the 1980s. Similarly, in Turkey Special Warfare Department was held responsible for political violence committed against the left during the 1970s. As Söyler (2015: 200) puts it "political violence reached unprecedented levels in the late 1970s, as the MHP developed into a paramilitary organisation with its "modern bandits" recruited from the Grey Wolves and the massacres and unknown-assailant murders of the ÖHD and MIT rose dramatically". Despite the disbanding of these organisations in Italy and other European countries following the fall of the Soviet Union and the revelations made by some high ranked officials[86], the Turkish state continued to deny its existence. Following the former CIA chief William Colby's acknowledgement of the existence of such an organisation in Turkey, Turkish military had to issue a press statement in 1990 whereby General Doğan Beyazıt stated that the title of the special NATO organisation in Turkey was *Özel Harp Dairesi* [Special Warfare Department] and that its task was 'to organise resistance in the case of a communist occupation' (Gökay, 2006: 77). In an interview, the former Prime Minister Bulent Ecevit explained how shocked he was when he found out about the existence of this unit in 1974 during his time as the Prime Minister, when the Chief of the General Staff Semih Sancar requested money from the discretionary fund (or 'state reserved funds' which has a secret nature excluding public inquiry) to cover the costs of the Department. Ecevit indicated the involvement of the counter-guerrilla in the 1977 Mayday massacre saying that "Certain organisations within the state but beyond state control should immediately be taken under control. Counter-guerrilla is in action'.[87]

Special Warfare Department has been the subject of a number of parliamentary debates, several motions were submitted for a parliamentary inquiry commission to be set up and written and verbal questions were submitted by MPs from across the

[85] A similar group in Italy was called Gladio, which was revealed in 1991. The headquarters of these groups was in Brussels and was named the Allied Coordination Committee (ACC) (Gökay, 2006: 77).
[86] Italy's Prime Minister Giulio Andreotti publicly acknowledged the existence of Gladio on 24 October 1990 in a statement he gave to the parliamentary commission investigating bombings committed during the 1970s in Italy.
[87] See the documentary made by Can Dündar about Bülent Ecevit, retrieved from https://www.youtube.com/watch?v=vqjX2Eb6WYY

political spectrum.[88] While no parliamentary inquiry commission was set up, National Defence Minister Nevzat Ayaz answered these questions stating that it is a legal body under the General Staff and that it has never been involved in any illegal activities. Following the increasing debates and criticisms of the unit and allegations on its involvement in political violence against the left and due to the changing military needs with the start of the conflict with the PKK, it was restructured into Special Forces Command in 1992 to fight against the PKK in the mountains. Although the Special Warfare Department was dissolved, it set an example for another secret security unit, namely Gendarmerie Intelligence and Counter Terror known with its acronym JİTEM, which was responsible for the vast majority of political killings and disappearances during the 1990s. In the following sections, I will briefly discuss the main pillars of the Turkish state's security policy in regards to the Kurdish issue and the security units mobilised in Kurdistan during the 1990s.

Actors of state violence

As part of its special war against the PKK, the Turkish state mobilised its whole security apparatus in Kurdistan during the 1990s. The main security actors involved in the war included Turkish Armed Forces (particularly Special Forces Command), Gendarmerie General Command (particularly Gendarmerie Special Operations); National Police (particularly Special Operations Police), village guards and extra-legal units including Gendarmerie Intelligence and Counter Terror (JİTEM).[89] In addition to these operations teams, intelligence agencies including the Police Intelligence Agency, the National Intelligence Agency, the Gendarmerie Intelligence Department, and the General Staff Intelligence Department have all been mobilised in the context of the war against the PKK. JİTEM stands in between as it has been

[88] TBMM Tutanak Dergisi [Turkish Parliament Sessions Journal] 98. Birleşim, 4 May 1993, retrieved from https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c035/tbmm19035098.pdf

[89] In Turkey, the police are responsible for the security in the provinces, while gendarmerie is responsible for ensuring security and public order in areas outside the jurisdiction of the police. However, the army, through the Gendarmerie, has created an institution that is parallel to the police force, which exists to combat domestic threats (Aksoy, 2010: 172). Although according to the law, gendarmerie is accountable to the Ministry of Interior and the local administrators for domestic security threats, in reality, they are run by the General Staff. In addition to the gendarmerie, Special Forces Command and other units such as Domestic Security Brigades of the Land Forces Command are also mobilised in case of domestic security threats (Akay, 2010). Also see Ahmet Insel, 'Rutini İç Güvenlik Olan TSK', *Birikim, 30 July 2006* retrieved from http://www.birikimdergisi.com/guncel-yazilar/113/rutini-ic-guvenlik-olan-tsk#.WXdX99Pyv6A

tasked with both conducting operations and gathering intelligence. Overlapping duties and authorities of above institutions often resulted in excess of power and conflict among institutions.[90] The intelligence and operations units were complemented with village guards and unofficial agents sponsored by the state including far-right ultranationalist groups[91] such as *Hizbullah*, an Islamist paramilitary group, PKK repentants, local informants and the mafia. Ultra-nationalist mafia and Grey Wolves were put in the service of the state initially to fight against ASALA and then against the PKK and Kurdish political movement. Involved in drug trafficking, these groups, together with JİTEM, MİT, and the village guards were increasingly involved in political violence against Kurds as well as drug trafficking, money laundering, and extrajudicial killings (Söyler, 2015: 202).

Biberman (2016: 5-6) argues that while fragmentation of local elites and internal disputes within the insurgent groups facilitate recruitment of collaborators by the state, provision of certain benefits and privileges enable state to find higher rates of proxies in exchange for military service. Kurds who collaborated with the state including the village guards, PKK repentants and the local informants were recruited through fragmentation and patronage, but mainly through coercive means. Torture and reduced prison sentences have been the key mechanisms to recruit collaborators, increasingly in the 1990s. In addition to the village guards and local informants, former PKK militants who started collaborating with the state following their escape from the PKK or their capture by the Turkish army formed a crucial part of the security apparatus mobilised against the PKK. While the majority of the PKK repentants were officially recruited by the army, some of them worked with them unofficially. Kurdish collaborators were used both in death squads in abduction, torture and killing of Kurdish people as well as in operational and psychological intelligence gathering. Although they were largely used by JİTEM, it is known that many continued working under other intelligence units. As they also state in their

[90] Conflict among state security institutions has mostly been experienced in intelligence. In order to centralise intelligence information gathered by these units, Telecommunications Department was founded in 2005 to gather all intelligence gathered by the Gendarmerie, the Police and the National Intelligence Agency through interceptions but this has not changed the practice in reality.
[91] It has been documented by the Parliamentary Inquiry Commission into the Extrajudicial Killings that certain individuals were granted permission to use arms by the military. TBMM 19. Dönem Faili Meçhul Sıyası Cinayetleri Araştırma Komisyon Raporu [Report of the Unresolved Political Murders Commission of the 19th Turkish Parliament] p.32

confessions, they were used by different security units across the country for other operations. In that sense, the line separating the military and paramilitary counterinsurgency group is thin and disputable. The use of irregular units, paramilitaries or proxies during internal conflicts has been regarded as an effective way of gathering tactical intelligence and posing a credible threat to civilians in case of non-cooperation (Biberman, 2016). Most important of all, these extra-legal units provided the state with plausible deniability for violence committed against civilians (Ahram, 2011: 14). The state's use of a wide web of spies through the employment of officials working in the region and local people further deepened the atmosphere of fear, distrust and intimidation (Aras, 2014: 82).

The common feature of the majority of the security officers mobilised in Kurdistan, particularly JİTEM and Special Operations Police was that they all embraced nationalist ideology and had their own special codes defined with masculinity and symbolic features of militarism and patriotism. Although the military is mostly identified with Kemalist statist ideology and the police with nationalist conservative (Bora, 2006)[92], their differences got even more blurred in Kurdistan, many police officers and army officials openly subscribing to ultranationalist ideology (Can and Bora, 2000). These ultranationalist individuals have been active in state-sponsored paramilitary units since the 1960s as part of the anti-communism operations and in the Special Warfare Department. With the war with the PKK, they have further been mobilised in Kurdistan. Based on her fieldwork with the police, Berksoy argues that the subculture of the police has developed under the influence of militarism, nationalist conservatism and Kemalism (Berksoy, 2010). She states that the main elements of this sub-culture which remained unchanged since the 1960s are a "self-image" expressed as a "public order army" and the sublimation of military methods; nationalist conservatism emphasising race/blood especially before 1980; a sensitivity to the sanctity and perpetuity of the state; and the "otherization" of part of society and its perception of them as "domestic enemies" (Berksoy, 2010: 192). The definition of the enemy has, however, shown changes since the early years of the republic from non-Muslims, to anarchists and communists during the anti-communist mobilisation created by the state prior to 1980 and Kurds following the 1980 coup. Other excluded

[92] Tanıl Bora, a scholar specialized in Turkish nationalism, argues that while the differences were explicit in many cases, there was a symbiosis between these groups.

populations including Roma, Alawites or refugees all have been considered as internal enemies.

Wide authority and extent of the security apparatus in Turkey have led to certain 'side effects' as Bora (2006) calls it, including the conflict between the army and the police owing to their institutional and ideological differences. These 'official illegal' units called *kontrgerilla,* and their internal conflicts form one of the most popular subjects of the media. Aksoy (2010:176) also refers to the "frequent conflict between military and civilian law enforcement forces in matters related to their fields of duties and the sharing of authority".[93] Apart from ideological or institutional differences, business and personal interests was another strong reason feeding into the internal conflicts. The factions within the security apparatus were so powerful that they were suspected behind the assassination attempt against and the untimely death of the then Prime Minister Turgut Özal.

The security units active in Kurdistan organised through shadowy networks across the country including links with the mafia, far-right groups, similar organisations in other countries. Despite their generous funding[94], they also resorted to cross-border arms and drug smuggling. The highest levels of the state were also linked to these covert units. While they organised through small units which conducted the atrocities and secret operations, they were both centred and controlled by the top authorities but also enjoyed relative autonomy. As the officials making confessions argued, they acted under the authority of top state officials, while the highest levels of the state consistently denied such claims. The relative autonomy of the security units mobilised in Kurdistan was one of the reasons behind their internal conflicts. As in the case of using irregular units, paramilitary groups or proxies in the war, the autonomy granted to these units, the ambiguity in their organisational structures, duties and authorities were also similarly designed to eliminate potential risks and accountability and to hide the chain of command. The large repertoire of state security mobilised during the conflict in the 1990s, and the complex relationship between them makes it highly

[93] Cem Ersever's assassination, probably by a faction within the security apparatus, is yet a strong manifestation of the conflict among the security units.
[94] Military spending in Turkey had begun increasing in the early 1990s and reached its peak in the late 1990s (see Yentürk, 2014).

difficult to ascertain and name the locus of responsibility in certain cases. A commander, a soldier, a policeman, an intelligence officer, a village guard, a PKK repentant or an uncommissioned civilian who act together with a police or military team were equally licensed to commit violence against Kurds in the 1990s with no accountability. This complex and ambiguous security network mobilised in this special war constituted another face of state violence in Kurdistan. Because the confessions I will analyse mostly relate to JİTEM, and it is held responsible for the large majority of the cases of disappearances and political killings, I will provide a more in-depth account of it below.

JİTEM

Gendarmerie Intelligence and Counter Terror unit (JİTEM) has been on the public agenda since the early 1990s, but the main question has not been the atrocities it committed but instead whether it exists or not. The quotation from the Parliamentary Inquiry Commission on Susurluk summarises the confusion created around the unit, which is known but cannot be avowed. JİTEM can be defined as an extra-legal unit within the gendarmerie formed in 1987 responsible for intelligence gathering in urban areas (Kılıç, 2009:12). It has never been established as a legal unit in accordance with the legislation regulating the military, and its documents, staff and locations were kept secret. This secret, however, was an open secret known by all military and security units in the region and local population. Throughout the 1990s, in particular between 1993 and 1996, JİTEM terrorised the Kurdish population by committing widespread atrocities. It is held responsible for the majority of the forced disappearances, extrajudicial killings and torture of thousands of Kurdish people who were deemed to support or sympathyise with the PKK during the 1990s.

The declared aim of JİTEM was to centralise and strengthen gendarmerie intelligence. These efforts go back to 1983 when the Gendarmerie Intelligence Group Command was formed to gather all gendarmerie intelligence in one unit (Kılıç, 2009: 13). This unit can be considered as the beginning of JİTEM. When the armed conflict with the PKK started, in order to manage all counter-terror related intelligence activities in a coordinated way, Gendarmerie Public Security Corps Command was formed in

Diyarbakir in 1987 headed by Hulusi Sayın.[95] There are different allegations as to when, by whom and how JİTEM was formed, but it is agreed that it came into being in 1987 undergoing several restructuring processes and high ranked military generals including Hulusi Sayın, Hikmet Köksal, Hasan Kundakçı, Necati Özgen, Veli Küçük, Arif Doğan, Cem Ersever and Abdulkerim Kırca have been an active part of its formation and restructuring over years (Kılıç, 2009: 14, 50; Savaş, 1997; Duvaklı, 2010: 14). According to Doğan, JİTEM, under the Public Security Corps Command overlapped the existing Gendarmerie Intelligence Group Command (Doğan, 2011: 33). JİTEM was directly responsible to Gendarmerie General Command in Ankara, and no other security or military unit could start investigations against them without the permission of the General Commander. Although JİTEM was tasked with gathering intelligence on the operations of the PKK in urban areas and those who support it, it was endowed with extraordinary powers, and not only with intelligence gathering but also conducting operations. It also played a crucial role in psychological counterterror by spreading fear and false information. Among the JİTEM's initial activities were the identification of individuals and tribes that support the PKK and to evacuate the villages of those who are sympathetic to the PKK (Kılıç, 2009: 62).[96]

JİTEM's group commands and their team commands in Kurdistan could act with relative autonomy. The teams were composed of both military officers and civilians including village guards, PKK repentants and local informants. JİTEM had the power to search, detain and interrogate anyone it deemed necessary. It would abduct or unofficially detain individuals, interrogate under torture, and execute. They would either bury the body leaving it in an unrecognisable form (burning) or would get rid of it (throwing into wells or rivers). In some cases, they would leave the bodies on the side of main roads to spread terror in the region. JİTEM officers were also getting ransom money from the families of the detained or abducted or were threatening to detain people in order to extort money. A common tactic by JİTEM was dressing like guerrillas and raiding villages both to identify the PKK sympathisers and also commit atrocities in the name of the PKK to create suspicion against the PKK. In addition to

[95] Hulusi Sayın, who formed the Gendarmerie Intelligence Group Command and later headed the Corps Command, was assassinated by Dev-Sol in 1991.
[96] This evidence appeared among the evidence against Veli Kucuk, a defendant in the Ergenekon trial. It was part of an instruction note sent by Hulusi Sayin to Veli Kucuk in 1987, while he was working in Van as the Gendarmerie Alay komutani (Kılıç, 2009: 62).

political violence against Kurds, it is also well known that JİTEM was engaged in arms and drugs trafficking and cross-border smuggling (Söyler, 2015). As the testimonies show, JİTEM has also been responsible for killing people due to personal disputes or business disagreements. Although the main reasoning provided for the need for JİTEM is often that it was impossible to win the war against the PKK through conventional warfare methods due to its mass support, state racism and material interests through the war constituted a crucial reason for JİTEM like extra-legal formations.

JİTEM is also held responsible for the assassination of a number of high ranked military officers, who were reportedly critical of JİTEM's illegal activities including drug and arms trafficking while believing in the need for such an intelligence unit within the military. JİTEM led to internal disputes within the security apparatus due to conflict of interests and violation of territory. The generals who diverted from the right wing conservative state policy and who were vocal about their criticisms, including Eşref Bitlis, Diyarbakır Gendarmerie Commander Brigadier General Bahtiyar Aydın and Colonel Rıdvan Özden were killed in suspicious circumstances, the details of which have not yet been brought to light. In addition to military officers, Gaffar Okan, Chief of Police in Diyarbakir was also assassinated in similar suspicious circumstances. JİTEM is even considered responsible for the killings of the military officials who took an active part in death squads, including Cem Ersever and the shooting of Abdülkerim Kırca who later committed suicide, either for making revelations or for personal or business disputes.

Limiting JİTEM's atrocities with the numbers of deaths, disappearances and torture would be highly insufficient. As its structure and methods indicate, its presence constituted a wider threat against Kurds and had the wider aim of controlling the Kurdish population than eliminating the PKK. Parliamentary Inquiry Commission's report on unsolved killings published in 1995 puts that "Killings are usually committed on the street in busy parts of the city. The failure to find the perpetrators of these killings create fear and suspicion among the citizens". Similar to extrajudicial and summary killings, abductions or unofficial detentions were conducted openly in the presence of eyewitnesses. The knowledge of the atrocities turned into the anguish of families, friends, relatives making constant fear and tension as part of everyday

life. The white Renault cars used by the JİTEM officers, known as '*Beyaz Toros'* symbolised the state terror for the Kurds. The name JİTEM has been inscribed into the memories of the Kurds in the region. Kılıç states that during his research on extrajudicial killings in Diyarbakir, Cizre, Nusaybin, Silopi, Şırnak, the people in these towns all knew who were committing the killings by name: "Cemal Temizöz gives the orders, the PKK repentant Abdulhakim Güven and head of village guards Kamil Atak are doing" (Kılıç, 2009: 189). Saturday Mothers, the initiative formed by the relatives of the disappeared and human rights activists, asked "The perpetrators are evident, where are the murderers", addressing the lack of justice despite the testimonies, confessions and evidence. In its submission to the Parliament, IHD states that "There were witnessed when our relatives were detained. There were witnesses when they were interrogated under detention. The identities of those who detained them, who interrogated them were both known" (İHD, 2011).[97] The 'unofficial detentions' or abductions were usually done in the presence of witnesses, and the JİTEM officers would introduce themselves as either police or military officers.

JİTEM was conveniently structured as an extra-legal body both inside and outside the military. Despite being managed from a centre, the JİTEM units acted in partial autonomy. Taussig (1992: 21) notes that an important feature of the use of paramilitary groups in such conflicts is their 'geographical, epistemological and military-strategic decenteredness'. JİTEM was both centred, having been formed and supported by the military with the support of other state institutions, and appeared as decentred acting with relative autonomy in different regions, involving different power groups in conflict with each other. For example, JİTEM divided Kurdistan into several different operational zones which were further divided into subzones, which was under the responsibility of different teams. In their confessions, JİTEM perpetrators argued that they would only know the acts committed in their zone. Ersever, for example, argued that he did not know what was happening in Tunceli, which was under Yeşil's command. A crucial function of JİTEM's secret and decentred nature was that it helped the state's plausible deniability, and created

[97] Human Rights Association (IHD) (2011), *Gözaltinda Kayiplar Ve Faili Meçhul Cinayetler Gerçeğinin Ortaya Çikarilmasi icin Talep Dosyasi*, Human Rights Association Istanbul, 5 February 2011

paranoia among the local population, as the locus of responsibility could not be ascertained or named. It could deny any records of detention or evidence relating to abductions, disappearances, torture or killings. JİTEM was licensed to kill and all its ambiguities and arbitrariness served to its cause of creating and spreading terror in Kurdistan.

On the other hand, JİTEM has in fact been carefully managed by a bureaucratic centre. It kept a rigorous archive coding all intelligence gathered in detail including its official and unofficial employees (Duvaklı, 2010:37). JİTEM archived its reports in daily, weekly, monthly and regional formats. The reports are named as Intelligence Activity and Assessment Cart, Informants Schedule, Source Assessment Form. Aygan tells that they used to code their reports with 19 characters, first three referring to the action, the following five referring to the country, the following three referring to the code of the unit, the following six referring to serial number of the intelligence document and last two digits referring to the year. The atrocities "authorised or condoned by the state is also combined with bureaucratic abstraction" (Sarat and Culbert, 2009: 1) making the violence both possible and invisible. This bureaucracy is one of the things that helped people like Aygan to refer to his job in a death squad as civil service.

JİTEM exists in the space between the lawfulness and unlawfulness and visibility and invisibility.[98] Sluka (2000: 5) states that "While death squads operate outside the law, they effectively do so with impunity and are generally and secretly fully integrated into the state's regular security network (Amnesty International, 1981). The attraction of death squads is that despite being sanctioned by key sectors of the government apparatus, they are distinct enough from the official chain of command for governments to maintain a "plausible denial" of involvement with them; their "separation from the regular security forces allows systematic murder to be carried out for which the state can deny any knowledge and responsibility" (Sluka, 2000: 5). It did not only provide the state with plausible deniability but also managed and

[98] This simultaneous centeredness and decentredness has also led to conflict between different military and police units who have been acting outside the law but using different means and tactics (Goral et al., 2013: 17, 35). Fikri Saglar, member of Susurluk Commission also states that "During the research of the commission, it has been observed that there is no coordination between the intelligence agencies and the security units of the state and these organisations act in ways amounting to smearing each other."(Cumhuriyet, 16 July 1997)

controlled the targeted population. On the one hand, they were busy with destroying potential future evidence, such as the corpses of the disappeared who were either burnt or buried in unidentified graves in municipality cemeteries, on the other hand, they would leave some corpses on the roads to spread terror among the local population and they would keep records of each of their actions. The situation of Kurds during the conflict was also a state of indeterminacy. Throughout the state of emergency, they were not positioned outside the law, but rather in between life and law, inside and outside, in the space of the sovereign (Agamben, 1999).

Kurdish collaborators

Death squads or use of paramilitary forces foster 'internalisation of state violence and fragmentation of local trust and cooperation', 'lead to an environment of betrayal, insecurity' (Warren, 2000:238). Another aspect of the war which inflicted distrust, suspicion and insecurity among the local population was the complicity of some Kurds in state terror. The state sought to turn individuals complicit in its violence either through coercion or by offering personal gain, power and status. Kurdish collaborators working for the state included PKK repentants, village guards and local informants.

The term 'PKK repentant' refers to the former PKK militants captured by or surrendered to the Turkish military and started working for the security or military forces following their confessions. In Turkish, they are referred to as *itirafçı* which literally means 'confessant'. I prefer to use the term 'repentant' instead of 'confessant' as *itirafçı* denotes a status rather than the practice of confession. Being a repentant is attached to their identity, it does not only refer to their 'jobs' but determines their social and political position. The term *itirafçı* gained a specific meaning in the context of the war with the PKK. Forced confessions under torture have been used as a systematic policy by the Turkish state against Kurds since the 1980s (see Yıldız, 2015). Following the start of the war with the PKK, imprisoned PKK militants were routinely tortured and forced to collaborate with the state in exchange for reduced prison sentences and political and economic privileges. Those

who accepted to confess and benefit from 'repentance laws[99]' started to collaborate with the state in various ways. Some were recruited as civil servants or workers[100] in the military (Kılıç, 2009: 81; Şahan & Balık, 2004: 17; Duvaklı, 2010: 93) while some others worked for the military unofficially, either while they were still in prison or after they were released. The PKK repentants were put in special wards in the prisons, where they would be taken to military operations or interrogations.[101]

By the end of the 1980s, when the clashes between the PKK and the army intensified, and with the formation of JİTEM, the PKK repentants started to be used as an operational force by the military (Duvaklı, 2010: 33-34). Hundreds of former PKK militants were actively used in military operations and atrocities against the Kurdish civilians during the early 1990s. Among the most obvious reasons for this policy was the military's lack of knowledge on the Kurdish language, culture, geography as well as the ideology and strategy of the PKK. Hence the repentants functioned as the main gateways for them into the PKK's structure, ideology, tactics and strategies and PKK guerrillas' routes in the mountains. However, as the statements of state officials putting the blame for the atrocities on the PKK repentants show, they were crucial for the state to plausibly deny its role in the atrocities but also to put the blame on the Kurds for their own sufferings. While the PKK repentants have started to be used during operations since the end of the 1980s, their employment with JİTEM and their use in death squads started with the beginning of 1990s. The PKK repentants were not only used by JİTEM but also by different security units within the police and the

[99] The first law regulating repentance and confessions of former members of armed groups came into force following the 1980 *coup d'etat*. According to the Law No 3419 on Articles Regulating Perpetrators of Some Offences, individuals who committed crimes regulated by the articles 125. 131 146 and 162 of the Turkish Penal Code for political and ideological reasons but either have not participated in the crimes regardless of being a member of the organisation, or have not faced any investigation, as well as those who surrender to the military will not be prosecuted on the condition that they provide information on the activities of the organisation. This law was relentlessly implemented against the members of the PKK and those who were accused to sympathise with it, as well as members of Turkish leftist organisations, who were imprisoned in infamous prisons of the time including Diyarbakir Prison. Although similar provisions were applied to the members of left-wing groups who cooperated with state prior to the 1980, the most extensive use has been in the aftermath of the 1980 and in particular against the Kurds. See Yildiz (2016).

[100] The personnel employed in the Turkish public sector is classified into civil servants and workers besides other categories. All the categories are subject to different legislation.

[101] Following the Susurluk scandal, Republican People's Party MP Sabri Ergul submitted a written question to the Minister of Interior about how many repentants were taken out of the prison for temporary periods. According to the response, 651 of 680 PKK repentants in prisons were taken out of the prison by the security units (Berberoglu, 1998: 201).

military. As the confessions of Aygan, İpek and Demir show they were even used as hitmen in some personal business disputes involving the state officials and the mafia.

The PKK repentants were recorded as dead or as 'martyr' receiving new identity cards. The repentants who made confessions argued that this practice was often used as a threat against them in case of their failure to obey orders. Also, it enabled the state to deny accountability for the crimes perpetrated by the PKK repentants. As an example, during the JİTEM trial, the court issued an arrest warrant for Abdülkadir Aygan. Yet the Ministry of Interior responded to the warrant stating that Aygan was no longer alive and received a 'martyr' status following his death in a clash with the PKK. When the court issued an arrest warrant under his new name 'Aziz Turan', that did not help the case either as Aygan sought asylum in Sweden with his real name Abdülkadir Aygan. While Aziz Turan did not exist in Sweden, there was no Abdülkadir Aygan in Turkey, which caused further delay in the case.

The *itirafçı*, who are neither military officers, nor civilians, who speak fluent Kurdish, and know the local customs and politics, and who are endowed with special privileges was initially a curious phenomenon in Kurdistan. As the extrajudicial killings started, particularly with the killing of Vedat Aydın in 1991, they have occupied a larger space on the public agenda. As it will be clear from the confessions, they were positioned in a limbo, declared as traitors and betrayers by the PKK and the large majority of the Kurds and undermined, humiliated and suspicioned by the state. They were also useful for the state to put the blame for the atrocities as the work of a group of military officers and PKK repentants who acted individually and independent by the state.

Village guard system in the context of the conflict with the PKK was put into use in 1985.[102] With no legal regulation[103] and no accountability mechanism, village guards started to be used initially to gather intelligence and provide immediate military

[102] The first village guard system in the Turkish Republic was introduced in 1924 based on Village Law No 442 which was considered as a security measure due to inadequacy of security units in the rural areas. As the Gendarmerie spread across the country, the system has ceased to be used. In 1985, the Turkish state widened the scope of the existing village guard system to use it in its fight against the PKK.
[103] Regulations on Village Guard System, including the procedures and principles on the personnel rights, duties and responsibilities, only came into force on July 1, 2000.

response when needed, and in the 1990s, the system was increasingly used as a screen the local population in terms of their loyalty to the state (Balta et al., 2015; Özar et al., 2013). The initial recruitment was largely made through the negotiations with the big tribes in the region that were known to be loyal to the state (Balta et al., 2015; Balta Paker and Akça, 2013, Özar et al., 2013). This brought various privileges to the tribes and its members including a certain autonomy with regards to internal affairs of the tribes and immunity from prosecution for smuggling, which has constituted one of their main economic income as well as some other crimes (Balta et al., 2015; Balta Paker and Akça 2013).[104] Refusing to be a village guard was deemed to be against the state and support for the PKK. Those who accepted did so for various reasons including use of force, unwillingness to leave their villages, misinformation about their duties, economic reasons, family and tribal ties and ideological reasons. While their numbers increased to 90,000 during the 1990s, according to 2009 statistics of the Ministry of Interior there are 71 thousand village guards including temporary and volunteer ones.[105] According to Balta et al. the most recent number of village guards in 2014 is still 70 thousand.[106]

As Özar et al. state, although they were defined as 'temporary' due to legal reasons, their continued existence for over 30 years and recruitment of more village guards, show that it has been an institutionalised paramilitary organisation. Like the PKK repentants, they were useful for the plausible deniability of the state and village guards often complained about discriminatory attitudes against them by the soldiers (Özar et al., 2013: 159, 168). The village guard system did not only complement the security apparatus, but also created a screening and controlling mechanism, to separate prostate Kurds from the others, divide the population, instil distrust and

[104] Tapan, for example, gives the example of the Jirki tribe, the first tribe that accepted to become village guards, avoided prosecution for their crimes including arms smuggling, murder, woman abduction and land seizure (Tapan, 2007)

[105] In March 1987, there were reportedly 6.000 village guards; by 1994 that figure had jumped to around 45.000 (HRW, 1994: 27).

[106] In 2000, the Council of Ministers announced a halt to new recruitment of village guards, with legal changes made in 2005 and 2007, they were given more social security rights (Balta et al., 2015; Balta Paker and Akca, 2013; Ozar et al., 2013). In February 2017, a new executive decree was introduced changing the name of village guards as 'security guards', increasing their rights and announcing that 25,000 new village guard will be recruited following the retirement of approximately 18,000. See '25 bin korucu alımı yapılacak! 2017 Korucu maaşları ne kadar?, *Hurriyet*, 7 February 2017, http://www.hurriyet.com.tr/18-bini-emekli-olmustu-25-bin-genc-guvenlik-korucusu-alinacak-40357779 (retrieved 29 July 2017).

suspicion. It divided the local population into "those who support the state" and "those who oppose the state" (Kurban, 2010). Hence it drastically changed the socio-economic structures and power relations in the region (Balta et al., 2015: 19). The village guards have become the authority in the region (Jongerden, 2007) together with other military and paramilitary forces. They have been implicated in violence against civilians in the region arbitrarily raiding, searching villages, forcing the villagers to become a village guard.[107] As it was indicated in the parliamentary meetings shortly after it was formed, village guards have been accused of using their power in personal and tribal disputes (Uçarlar in Özar et al., 2013). Despite the reports of abuse of their duties and parliamentary debates on this issue, no measures were taken to stop these abuses. International human rights organisations including Amnesty International and Human Rights Watch as well as United Nations and European Commission have all consistently raised criticisms in relation to the crimes committed by the village guards, the deficiencies of the system, the obstacles they pose to the returns to the villages and resolution of the conflict.[108]

In addition to the village guards and the PKK repentants, the security units have recruited thousands of local informants. These Kurdish collaborators were conveniently located to displace accountability by the state. This does not mean that they have not been involved in violence or they have not acted using their own initiative. Such mechanisms indeed created new power relations among the local community, deepened existing personal, tribal or business disputes and created new ones due to the economic, social and political dynamics of the conflict. As it will be

[107] The Human Rights Association reported in 2009 that village guards were responsible for burning down 38 villages, evacuation of 14 villages, 12 harassment and rape, 22 abduction, 294 armed attacks, 183 killings, 259 injuries, 2 disappearances, 562 torture and ill treatment. See Human Rights Association (İHD) (2009), 'Ocak 1990- Mart 2009 Döneminde Köy Korucuları Tarafından Gerçekleştirilen İnsan Hakları İhlallerine İlişkin Özel Rapor'. Yet it must be noted that these statistics do not reflect the real scale of the atrocities committed by the village guards as the report is mainly based on applications made to the IHD and media reports. It is known that there are many cases which have not been reported. See 'Koruculuğun 17 Yıllık Bilançosu', *Bianet*, 8 May 2009, retrieved from https://bianet.org/bianet/insan-haklari/114378-koruculugun-17-yillik-bilancosu

[108] See Kurban (2010); Specific Groups and Individuals Mass Exoduses and Displaced Persons, Report of the Representative of the Secretary-General on Internally Displaced Persons, Francis Deng, visit to Turkey, submitted pursuant to Commission on Human Rights resolution 2002/56, E/CN.4/2003/86/Add.2, 27 November 2002, Executive Summary; Thomas Hammarberg, Letter from the Council of Europe Commissioner for Human Rights to Mr. Beşir Atalay, Minister of Interior of the Republic of Turkey

seen in the confessional narratives of the PKK repentants, while the Kurdish collaborators were sometimes protected by the state against prosecution, they were also disproportionally blamed for the atrocities exonerating the security and military officers.

Accounting for state violence

Despite decades of state violence against Kurds and other state crimes including the Armenian Genocide, pogroms against non-Muslim minorities, the Dersim massacre and the grave violations committed during the military regime, Turkey persistently failed to confront, expose and punish past state crimes. There has been no formal truth and reconciliation process and no effective mechanism to deal with the past state crimes. Atrocities during the 1990s have neither been fully revealed, nor buried, but they kept flashing out shaping the collective memories and resistance of the Kurds. The state of emergency in Kurdistan was repealed in 2002 and Turkey entered a phase of reduced violence only until the 2010s. The ceasefires between the Turkish state and the PKK lasted only for a short while, and the peace negotiations were all disrupted leading to even more violence. The biggest hope for the resolution of the conflict, which started with the negotiations between the state and Abdullah Öcalan, the leader of the PKK, failed in 2015 leading to unprecedented violence in Kurdish towns resulting in the deaths of hundreds of people.

There has been no formal process of accounting for the past except for a handful of criminal prosecutions into the cases of forced disappearances and political killings, the parliamentary inquiry commissions, the NGO initiatives and the piecemeal reforms by the state. The reforms starting in the early 2000s were prompted by the EU membership accession process and the ruling Justice and Development Party's power struggle with the Kemalist establishment (Jongerden, 2016). Besides, the reform process has taken place while repressive measures against Kurdish politics continued in full scale. A striking example of the problems in the fragmented initiatives to account for past violence is the compensation law, titled Law on Compensation for Losses Resulting from Terrorism and the Fight against Terrorism. The law failed to provide justice for the Kurdish civilians victimised during the war due to its problematic aspects, such as including the village guards and the security forces whıle

excluding those convicted under the Anti-Terror Law, the lack of transparent procedures in damage assessment commission and the requirement to provide evidence on damages (Budak, 2015: 233-234). Depoliticising and individualising the cases, the process failed to acknowledge the injustices and the violations inflicted on Kurds and in this way, it enabled impunity and left the structural problems untouched (Jongerden, 2017: 15-16). By providing 'friendly settlements' the compensation law precluded any further litigation, and through 'compensation recovery cases', families of the militants who were held accountable for the damages to the security forces were held responsible for the debt. In this way, as Biner (2016) argues the state used legal devices "to transform reparative justice mechanisms into debt-producing mechanisms that create new compulsory bonds between the state and Kurdish citizens". The only way to escape this debt for the Kurdish families was the renunciation of the bond with their children, which constituted further violence on them (Biner, 2016; Jongerden, 2017).

The truth finding efforts that took place in this grim picture included parliamentary inquiries, criminal cases, cases at the European Court of Human Rights; and initiatives by victims and human rights organisations in the form of reporting, documentation, conferences and research. Below, I will provide a discussion of the parliamentary inquiry commissions and the criminal trials that relate to the confessions I will analyse.

Parliamentary inquiry commissions

One of the main mechanisms to investigate state violence in Turkey has been the parliamentary inquiry commissions, which are defined in the Article 98 of the Constitution as mechanisms to gather information on a particular issue.[109] Similar to the inquiry or investigative commissions set up in other countries, they are event-specific, thematic, institutional, and sociohistorical in orientation, which are often a precursor to judicial investigations (Freeman, 2006). Although parliamentary inquiry commissions in Turkey have the authority to make inquiries in public institutions and invite relevant individuals and experts to give evidence, they are limited in authority

[109] Constitution of the Republic of Turkey, Article 98 https://www.tbmm.gov.tr/anayasa/anayasa82.htm

and scope. They cannot access the information and archives of the Turkish Armed Forces, and they do not have the authority to obligate third parties to give evidence in relation to an inquiry. Besides, state secrets, trade secrets and cases which are under judicial process remain outside of their authority. Considering that the cases of state violence are often concealed as state secrets, the government can practically halt any inquiry into state violence and bind the inquiry to the permission of the government.[110] Parliamentary inquiries into the state violence in Turkey have often been launched following public pressure and when the allegations were at a level that could not be ignored, yet, they often had to work without assistance from the government and the military and struggled to get testimonies from relevant high ranked state officials.[111]

Parliamentary inquiries into the state violence against Kurds in the late 1980s and the early 1990s started as early as 1992. The activities of the *kontrgerilla* in Turkey has been debated in the parliament starting from the 1970s, and increasingly more in the 1990s. Several MPs submitted written and oral questions about the existence of JİTEM and extrajudicial killings in Kurdistan as well as motions for parliamentary inquiries from the early 1990s. Some of these inquiries analysed overall patterns, causes and consequences of the cases in question and as a result, some criminal investigations were opened, which hardly led to convictions of those responsible. The lack of authority combined with the lack of political will turned inquiry commissions into mechanisms of exculpation, despite the acknowledgement of state violence in many of such reports. The commission report on extrajudicial killings, for example, stated that "The fact that the perpetrators of the majority of the political killings could not be found and convicted create an encouraging atmosphere for such killings on the one hand and severely damages people's trust to the state" (TBMM, 1997). Despite such clear acknowledgements, the acts committed by state actors were treated as individual crimes, with careful explanations to exonerate the state. As Burton and Carlen (1979: 13-14) note, "the existence of public inquiries may give an appearance of some form of investigative 'truth-seeking'; yet they often function to "allay, suspend and close off popular doubt through an ideal and discursive appropriation of

[110] See TBMM 19. Dönem Faili Meçhul Sıyası Cinayetleri Araştırma Komisyon Raporu [Report of the Unresolved Political Murders Commission of the 19th Turkish Parliament] p. 9
[111] For an analysis of similar official and semi-official inquiry commissions, see Hayner, 2011: 14-16

a material problem" (cited in White, 2010). The common features of the parliamentary inquiry commissions have been their limited authority, their failure to reveal the full scale of atrocities due to lack of political will and their inability to include state secrets in their investigations, lack of criminal investigations and prosecutions despite the crucial information and evidence in the inquiry reports.

The first inquiry into atrocities against Kurds during the 1990s and JİTEM was conducted by the Parliamentary Commission to Inquire Unsolved Political Killings, which published in its report in 1995. The cases of extrajudicial killings discussed in the report included not only the political activists killed by state actors such as Musa Anter and Vedat Aydın but also some state perpetrators who were also argued to be killed by some factions within the state, including Cem Ersever. The report describes how the inquiry has been disrupted by certain secret organisations which act unlawfully outside the state authority. Furthermore, state officials who gave evidence to the inquiry commission were threatened and punished for speaking out.[112] Without naming these secret organisations and individuals pressurising the commission, the report stated that there is a highly complex and intricate organisational structure and network behind the killings, which are operating without permission and authority in the police territory, they distribute arms to whoever they want and commit illegal acts which cannot be scrutinised and controlled by the state authorities. The Commission demanded the government 'to stop the activities of this institution with no legal basis, an institution that has deviated for the path and is involved in illicit activities' (TBMM, 1997: 124-126; Beşe, 2006: 251; Kılıç, 2009: 203). The report diagnoses the problem giving rise to the emergence of these incidents as lack of civilian state authority in the Kurdish region and increased and uncontrolled role of the military in the region. This has been the first time that an official report acknowledged the crimes committed by JİTEM, without naming it, and filed a complaint to the Ministry of Justice, which has not gone anywhere.

The most comprehensive investigation into the illegal activities of the Turkish state started following an "accident". The relations between the state institutions,

[112] For example, the head of Security in Batman and Deputy Governor told the commission that Hizbullah had a camp in Bingol and received aid from the military. But he was later relegated (Commission report, 1995, p. 34).

ultranationalist groups and mafia, which were much alive in the lives of the Kurds, became a topic of national debate after a car accident on 4 November 1996. A car carrying Sedat Bucak, an MP from the ruling True Path Party (DYP) and the leader of a Kurdish village guard clan; Hüseyin Kocadağ, former deputy head of Istanbul Security Directorate; and Abdullah Çatlı, a mafia leader wanted by Interpol for drug trafficking and other crimes, hit a lorry near the district of Susurluk. Kocadağ and Çatlı died on the scene, while Bucak survived. The back of the car was loaded with automatic guns and other arms equipment. Among Çatlı's belongings were a green passport and a gun licence signed by Mehmet Agar, the Minister of Interior. The following lines in the Prime Ministry Inspector Kutlu Savaş's Susurluk report is revealing: "It is not convincing to define the event as 'a simple holiday or condolence call', when the following took place: an armed activist wanted in Turkey on charges of murder, was found together with a high-ranking member of the police in charge of capturing him, as well as some police officers and members of the Parliament, who not only had their licences guns with them but also assault weapons and ammunition used for assassinations and manslaughter"[113]. This accident has been the beginning of public debate on the 'deep state' in Turkey, referring to 'a state within the state' implicated for political killings, disappearances, drug trafficking, acting with impunity. What Susurluk accident brought was the undeniability of the links between the state and illegal organisations, which were implicated in violence against Kurds. Deputy Prime Minister Tansu Çiller said, "we will always respectfully remember those who fire bullets or suffer wounds in the name of this country, this nation and this state."[114] The accident led to a political crisis as well as the strongest and the most far-reaching public protest movement against the *kontrgerilla* and corruption in Turkey. Protests were held every night at 9pm calling for 'cleansing the country from the gangs' while millions joined in by switching off and on their lights as part of 'one-minute of darkness for light' protest. The crisis led by the Susurluk scandal, however, was quickly appropriated by the military as part of its aim to bring down the Islamist Welfare Party forming the ruling coalition. Following the National Security Council's

[113] Kutlu Savas (1997), Susurluk report, Başbakanlık Teftiş Kurulu, retrieved from http://akgul.bilkent.edu.tr/Dava/susurluk/kutlu/

[114] Stephen Kinzer, 'Scandal Links Turkish Aides To Deaths, Drugs and Terror', *New York Times*, 10 December 1996, retrieved from http://www.nytimes.com/1996/12/10/world/scandal-links-turkish-aides-to-deaths-drugs-and-terror.html Also see 'Çiller: Çatlı şerefli', *Milliyet*, 27 November 1996 ,retrieved from http://www.milliyet.com.tr/1996/11/27/siyaset/tansu.html

ultimatum against the government on 28 February 1997, known as the postmodern coup, a new coalition government was formed. Although Susurluk accident shocked the country and remained as the main preoccupation of the public in the first few months, it was indeed a confirmation of what was already known. Shortly after, the event was normalised, cynicism reemerged among the public (Navaro-Yashin, 2002). Susurluk scandal has remained as a missed opportunity in confronting the state violence.

The inquiry report which was released in April 1997, included witness statements by key state officials including Mehmet Eymür and Hanefi Avcı whose confessions I am analysing. The then Prime Minister Tansu Çiller and the General Commander of the Gendarmerie Teoman Koman, who were both connected to the crimes investigated, refused to appear before the Commission despite the invitations.[115] The commission's report on Susurluk made clear the close links between the state and the mafia, and the personal gains of military officers from the war with the PKK. Yet this partial acknowledgement went hand in hand with denial. The report individualised the state's illegal activities by putting the blame on some military officers, like Ersever, who arguably acted outside the chain of command. In addition to individualising such illegal acts, the report also blamed the village guard system and the use of PKK repentants, who were argued to be involved in drug and arms trafficking and acting in their own initiative under no control or authority. The report did not include any criticism about how these mechanisms were created and used by the military and how the military benefited from the arbitrary violence in the region. Different forms of avowal and disavowal taking place in the commission mainly arose of the internal disputes within the state apparatus. Beşe (2006: 246) argues that the Susurluk reports

[115] Teoman Koman, Gendarmerie General Commander, was also called by the Commission to give a statement, but he refused. Following the media reports on his refusal, Koman sent a letter to the commission stating that "there is no unit called JİTEM in the gendarmerie". Providing detailed information on the structure of the gendarmerie, he stated that the gendarmerie intelligence unit is under Gendarmerie Public Security Corps Command and that the name JİTEM has been used by those who did not know much about the structure. He said "There is no legal or illegal entity within the gendarmerie called JİTEM, but there is a group outside the Gendarmerie performing illegal activities under that name". General Commander Teoman Koman also appeared in TV shows during the Susurluk debates arguing that some people invented that name and authorities started believing its existence (Beşe, 2006: 248). Following the commission's letter to General Staff, the Head Çevik Bir stated that members of armed forces have nothing to do with such things. The Commission repeated its invitation due to the testimonies indicating military officials' involvement, yet the General Staff repeated again saying that Turkish Armed Forces is being dragged into these incidents (Kılıç, 2009: 209).

unearthed some structural problems within the security units including the conflict that arose of the existence of multiple intelligence organisations and units with similar duties and spheres of authority and lack of coordination between them. The following line in the report "JİTEM which does not exist but whose acts are real should be investigated' perfectly summarises the simultaneous intention and avoidance of the Commission to inquire JİTEM (TBMM, 1997: 210).

The other main report produced on Susurluk is the report written by the head of Prime Ministry Inspection Unit Kutlu Savaş, to be presented to the Prime Minister Mesut Yilmaz. The report argued that JİTEM was founded at the beginning of the 1980s. Yılmaz, convinced of its existence, however, argued that it was dissolved and denied its links to the military in a TV show he attended on 22nd of January. "First of all, as you said, the Armed Forces were never involved. It wasn't the Gendarmerie. This was all about this institution formed within the Gendarmerie with the name of JİTEM, the Gendarmerie Intelligence and Anti-Terrorism organisation. It was later dissolved. JİTEM does not exist anymore. In other words, they took the first radical step. As you said, they cleaned out the people involved in this through their internal disciplinary mechanism. The chief of the general staff has very clearly said to me: 'If there are people whom we overlooked after these investigations, we will find them and clean them out as well"' (cited in Beşe, 2006: 250). JİTEM's dissolution following the Susurluk case has been declared by the military and published on the papers.[116] 11 pages of the report were classified as state secrets, while the rest were made publicly available. Among the classified pages appear the confessions of Ibrahim Babat who was a PKK repentant working for JİTEM. Yet his letter was made available to the public by a journalist Necdet Açan who interviewed Babat in prison. Media coverage of Babat's confessions prompted İdil prosecutor İlhan Cihaner to start an investigation into the extrajudicial killing of three Kurdish activists in 1989.

After the so-called Susurluk scandal, JİTEM teams were brought under the regional and district gendarmerie commander units of the Gendarmerie General Command in Ankara. Their role was defined as only gathering intelligence. In this way JİTEM was

[116] Serhan Yediğ, 'Bir Var bir Yok! Hem Var, hem Yok JİTEM', *Hürriyet*, 21 November 2005; Tokat Paşa: Suçlular Cezalandırılsın, ordu yıpratılmasın, *Zaman*, 29 December 2004. Cited in Beşe (2006: 250)

no more under Ankara's rule, its centralised system was abandoned and they could individualise the crimes committed by JİTEM. Yet in practice, nothing has changed (Kılıç, 2009: 195). JİTEM's killings continued until the end of the 1990s in a less intensive way. Although systematic state violence against Kurds has dramatically decreased in the 2000s, JİTEM has never faded from the picture. In 2001, it was held responsible for the disappearance of the head of HADEP Silopi branch Serdar Tanış and executive council member Ebubekir Deniz in Silopi.[117] The same people involved in the Silopi case reappeared in a bomb attack in a bookshop in Şemdinli, belonging to Seferi Yilmaz, a Kurdish activist, on 9 November 2005. The military officers who put the bomb were apprehended by the people and handed over to the police and the car used by them containing bombs and official lists of the targeted individuals, were documented by the local people. Despite the blatancy of the case, the whole investigation and prosecution process were full of irregularities. Although the local court convicted the perpetrators, the decision was overturned by the Court of Appeals, and the case was transferred to the military court, and the perpetrators were all eventually released (Beşe, 2006: 262, Duvaklı, 2010). During the protests about the case, more than five people were killed, and dozens were injured (Duvaklı, 2010: 127-129). The whole case led to a political crisis prompting high-level military and government meetings. The gendarmerie's intervention into the case was not limited to preventing investigation and prosecution. Regarding one of the perpetrators, the Land Forces Commander General Yaşar Büyükanıt said 'I know him, he is a good guy'. The prosecutor who included Yaşar Büyükanıt's name in the indictment was dismissed, and the Head of Police Intelligence Sabri Uzun who stated that 'The keys are of no use if the thief is inside the house' in his evidence to the Parliamentary Inquiry Commission on the bombing was suspended from duty.

Criminal trials

Political violence has hardly been subject to criminal sanctions in Turkey. Investigations and prosecutions have often resulted in dismissal or acquittal, and

[117] Levent Ersöz was the Şırnak Gendarmerie District Commander and he is known to have been involved in JİTEM. He openly threatened both Sedar Tanış himself and his dad, following the opening of the HADEP branch in Silopi. Tanış and Deniz were called to the gendarmerie commander on 25 January 2001 and were never seen again. The investigation opened into the case was dismissed and the family took the case to the ECHR which found Turkey guilty.

rarely granted convictions were often symbolic, further entrenching impunity for the state officials who perpetrated acts of violence. Since torture, forced disappearances and extrajudicial killings are not considered as crimes against humanity in the Turkish legislation, they are subject to the statute of limitations of 20 years, which meant that many cases during early and the mid-1990s could not be investigated.[118] According to a research conducted by the Truth, Memory and Justice Center, out of 253 cases of forced disappearances included in the research, 69 percent are still in the investigation stage despite the 19 years and 9 months passed after the case, 17 percent of the cases continued with prosecution, 13 percent of the cases resulted in dismissal or acquittal and in only 1 percent of the cases there is a conviction decision (Kurt, 2014). Some of the defendants in the ongoing trials still retain their positions, while some others received a promotion. For example, Musa Çitil, former gendarmerie commander in Derik during the 1990s, who is being prosecuted for 13 forced disappearance cases, was promoted to the Deputy General Gendarmerie Commander post in July 2017. Amongst this picture of impunity and denial, there have been several criminal cases which not only raised hopes for justice but also paved the way for public debate on the past, albeit short-lived. Some of the confessions discussed in the next chapter either took place in the context of these trials or significantly shaped them. In this section, I will only focus on the cases related to the state actors whose confessions I am analysing, which include Yüksekova Gang trial, Susurluk trial, JİTEM main trial and Ankara JİTEM trial.[119]

The first trial into the state crimes started following the Susurluk scandal, discussed above, in which 14 people linked to the so-called 'Susurluk gang' were tried on organised crime charges, including drug and arms trafficking and political killings committed in the context of the conflict with the PKK. The defendants included two MPs, Mehmet Ağar and Sedat Bucak; head of Special Operations İbrahim Şahin and Special Operations police officers including Ayhan Çarkın. Prosecutions of Bucak

[118] Article 77 of the Turkish Penal Code, which was amended in 2005, includes an article on political crimes stating that no statute of limitations can be applied in such cases. Yet this article has not been applied to the ongoing cases on political crimes during the 1990s, due to principles such as non-retroactivity of criminal law. Yet in investigations into the killings of Gendarmerie General Commander Esref Bitlis and Major Cem Ersever, the prosecutor decided not to apply the statute of limitations citing ECHR decisions (Isik, 2013)

[119] For updates on the ongoing cases into forced disappearances and extrajudicial killings, please see www.failibelli.org

and Agar had to be postponed until 2002 and 2007 respectively as they were re-elected as MPs after their immunity was lifted during the trial. The defendants received between 4 and 6-year prison sentences and they were all released shortly after without completing the full term of their sentences. Bucak was sentenced to one year and 15 days in 2007 which was later postponed. Agar could be prosecuted in 2007 and stayed in prison for only one year, in a comfortable one-man prison. In the course of the trial, other cases such as the killing of Ömer Lütfü Topal, a well-known businessman involved in drug trafficking referred to as 'casino king' came to light, resulting in the arrest of a number of police officers who have been working for Sedat Bucak. Yet the applications of the families of the disappeared and extrajudicially executed to get involved in the case were not accepted by the court. Hence the case was successfully individualised presented as an isolated act of a criminal gang involving some state officials and bureaucrats. The intricate web of relations between the state and the mafia revealed by Susurluk was like a labyrinth that many popular books and TV debates solely focused rather than looking into the deeper causes of the scandal. Politicians who were known to have close links with the 'gang' such as former Prime Minister Tansu Çiller could neither be prosecuted nor invited to give evidence. During the trial process, conferences, publications and protests on Susurluk were criminalised. Protests were violently dispersed, and many activists and writers were prosecuted. Akın Birdal, the head of Human Rights Association, who has been actively speaking out against the state crimes revealed by Susurluk was heavily injured following an armed attack in the organisations head office. The public debate on Susurluk and its revelations have not lasted long, firstly because it was managed with a quick criminal trial of those involved (and their quick release) and secondly due to other political developments in that period, in particular, the military's intervention threat on 28 February 1997 and the consequent resignation of the government. Creating confusion has been one of the main governing tactics in Turkey, making the ordinary people overwhelmed under flowing information on the intricate relations and criminal networks. Although a lot was known about the defendants and the wider state network linked to the mafia and ultranationalist militant groups, Susurluk left its mark on the collective conscience as a 'dark episode'.

Currently, there are four separate criminal trials on JİTEM's activities in Kurdistan.

The trials concerning the JİTEM officers whose confessions I am analysing, have been brought together in 2014 and has been continuing to this date. The first criminal investigation into JİTEM's activities was brought by the İdil Public Prosecutor İlhan Cihaner in 1998 in relation to the killing of three Kurdish civilians, whose bodies were found on the road between Cizre and Nusaybin. What prompted the investigation was the confessions of PKK repentant and JİTEM officer Ibrahim Babat who was in prison at the time and made confessions to the Parliamentary Inquiry Commission into the Susurluk accident. The prosecutor issued an indictment against several state officials including Cem Ersever and Arif Doğan with the allegations that they formed an armed gang with the intent to commit crimes against civilians, Arif Doğan leads the Diyarbakir branch and Ersever leads the Silopi branch of the gang, and that some PKK repentants and village guards were involved in the killings.[120] Although Cihaner did not name it, this has been the first time JİTEM has been subject to criminal investigation. Yet his attempts to interrogate Ibrahim Babat and his requests for information from state institutions all remained inconclusive. The investigation was then transferred to Diyarbakir State Security Court, which was later transferred to Diyarbakir 3rd Heavy Penal Court. Since the General Staff did not give permission for the investigation of the military officers involved in the case, the case travelled between different courts, and it took ten years for a competent court to be found for the case.

Around the same time, there were other criminal investigations launched in Diyarbakır regarding several cases of forced disappearances and killings that took place in Diyarbakır during the 1990s. What brought these separate investigations to the prosecution stage were Abdülkadir Aygan's confessions to the Özgür Gündem newspaper about 30 cases of forced disappearances including the disappearance of Murat Aslan. When Aygan's confessions were verified with the exhumation of Aslan's grave in the place where Aygan described in his confessions, a case was opened in 2005 against the key members of JİTEM, including Abdülkerim Kırca[121],

[120] 'JİTEM için zamanaşımı, gözler Genelkurmay'da', Ismail Saymaz, *Radikal*, 5 December 2009 http://www.radikal.com.tr/turkiye/jitem-icin-zamanasimi-gozler-genelkurmayda-967644/ retrieved on 17 January 2017

[121] Following Aygan's confessions, Abdulkerim Kirca, who was one of the defendants in the JİTEM case, was awarded State Praise Medal on 12 December 2004. When Aygan started making wider confessions to the media during Ergenekon operation which included his allegations against Kırca, Kırca committed suicide.

Mahmut Yıldırım (Yeşil) and Abdülkadir Aygan. The indictment accused the defendants of forming an organisation with the intent to commit a crime, inflicting torture to obtain the confession of a crime and for murder. The competent court in this case could be established 17 years after the launch of the investigation[122]. The first investigation mentioned above was combined with this one, now referred to as 'JİTEM Main Trial' in Turkey. JİTEM main trial was later combined with the case into the killings of Kurdish author Musa Anter, in 2014 which is ongoing to this date.[123] Anter, aged 72 when killed, was a prominent Kurdish author who was abducted and killed by JİTEM in 1992. His killing was confessed by a number of PKK repentants, and the role of the state in the killing was acknowledged in the official reports into the Susurluk case. None of the defendants in the case is in detention, except that an arrest warrant was issued for Aygan, the JİTEM member who made confessions and who sought asylum in Sweden.

The other crucial JİTEM case is the one opened in 2014 following the confessions of Ayhan Çarkın into the killings of Kurdish businessman and political activists. Just ten days before the statute of limitations ran out in the killing of Abdulmecit Baskın, a local administrator in Ankara, the prosecutor issued an indictment based on Çarkın's confessions. Those accused in the indictment included Mehmet Agar, then the head of Security, Ibrahim Şahin, head of the Special Operations Department, Ayhan Çarkın, Special Operations police officer among others. The only detained defendant in the case was Çarkın, the police officer who made confessions, who was also released later. This case was combined with the other case into the extrajudicial execution of Kurdish businessmen in 2014, in which the defendants are the same. Although there were several high ranked state officials including the former Prime Minister Tansu Çiller - who publicly stated that they had a list of businesspeople, civil servants and artists who provide support the PKK and they will be brought to account - the case

[122] Like in other cases, the initial court the 2nd High Criminal Court for Diyarbakır gave a non-competency decision due to the defendants being military officers. The case was then sent to 7th Corps Military Court which also reached a decision of non-competency and forwarded the file to the Court of Jurisdictional Disputes, for a competent court to be established. The Court of Jurisdictional Disputes decided that since the nature of the accusation were not military crimes and decided that the case needed to be seen in a civil court. Yet even after that decision the case again went and returned between the 2nd High Criminal Court for Diyarbakır, the 6th High Criminal Court and the 5th Criminal Chamber of the Court of Appeals

[123] 'Musa Anter ve JİTEM Ana Davası', *Faili Belli*, retrieved from http://failibelli.org/dava/musa-anter-ve-jitem-ana-davasi/

against them has been dismissed.

The defining characteristics of JİTEM cases have been the resistance of the state and the military against the investigations and prosecutions, by refusing to provide information, not giving permissions for prosecutions of military officers and intimidating and threatening the prosecutors and the judges that insist on continuing with the prosecutions (Duvaklı, 2010: 23; TBMM, 1995, 1997). In addition to the prolonged investigation periods, the other issue has been the travels of the cases between several courts including military and civilian courts, the Court of Appeals and Court of Jurisdictional Disputes to determine which court is competent to try the military members of JİTEM.[124] All these trials concerned the 'deep state', a phrase that is a commonly used in Turkey to refer to the illegal networks between the state, military, security, mafia and ultranationalist militants. Yet, despite this now widely-acknowledged reality, the cases concerning the crimes committed by this network were individualised and JİTEM, Susurluk and Yüksekova were all referred to as 'gangs' and organised criminal groups. The politicians, security and military officials and bureaucrats involved in these cases were either exonerated or were treated as acting individually separate from their institutional hierarchies. Their crimes were defined as ordinary crimes, rather than political crimes committed in a systematic and planned way.

JİTEM's existence has been denied by the military despite the evidence revealed by its former officers who either publicly confessed, or appeared before the courts or parliamentary inquiry commissions. Documents shared by those JİTEM officers include Certificates of Achievement and payslips (Şahan and Balık, 2004: 76). JİTEM was referred to as a fantasy or fiction by both military authorities and government officials of the time.[125] The public debate and the court cases focused on the question whether JİTEM existed or not. Turning into a puzzle, joined by the audiences bringing together bits and pieces of evidence published here and there, the real concrete evidence was left unattended. In response to a question on extrajudicial killings Altay Tokat, a retired Lieutenant and former commander of the gendarmerie

[124] For a clear analysis of the complicated journey of JİTEM cases, please see Serap Işık, (2013)'JİTEM Ana Davası Geniş Özeti', Faili Belli, retrieved from http://failibelli.org/wp-content/uploads/2013/01/Jitem_Ana_Dava_Genis_Ozet.pdf

[125] 'Jandarma JİTEM'in Varlığını Kabul Etti, Adını Etmedi', Tolga Korkut, *Bianet*, 4 January 2010 http://bianet.org/bianet/insan-haklari/119260-jandarma-jitem-in-varligini-kabul-etti-adini-etmedi

in the State of Emergency Region said that "It is wrong to mention JİTEM in an indictment prepared by a prosecutor who has no idea about how intelligence works". He referred to such acts as individual illegal incidents rather than committed by the organisation itself (Beşe, 2006: 250). The confusion about JİTEM's existence as well as its limits and authority has been a useful governing tactic for the state.

The final trial into the 'deep state' is the Ergenekon trial, which included some of the defendants in the Susurluk and JİTEM trials such as retired Brigadier General Veli Küçük and Colonel Arif Doğan, the founders of JİTEM, among 200 defendants including both retired and active military officials, state officials, security officers and ultranationalist militants. The indictment of the Ergenekon trial, which started following a police operation discovering hand grenades in a residential building in Istanbul, made an explicit link between the Ergenekon organisation and the 'deep state'. Yet the charges in the Ergenekon were related to the plots to overthrow the ruling Justice and Development Party government. As in the previous cases, despite the direct link, the applications of the families of the disappeared and extrajudicially executed to be involved in the case were rejected by the court. Although the indictment mentioned the state crimes committed by JİTEM and Ergenekon in Kurdistan during the 1990s, they were used as a background picture which did not form the substance of the case. They were rather used to validate and legitimise the judgement on Ergenekon. The statements of high ranked officials linked to JİTEM such as Veli Küçük and Arif Doğan included both denial and acknowledgement of state violence. Although the 2nd Ergenekon indictment made extensive references to JİTEM based on Arif Doğan's archive, they were not annexed to the indictment, being considered as 'state secret'. Upon the court's question to the military whether an organisation called JİTEM existed or not, both the General Staff and Gendarmerie General Command disavowed the unit stating that while JİTEM existed for a short while in 1990, it was disbanded. They explained the references to JİTEM in official documents arguing that some lower ranked officers in the military continued to refer to the unit as JİTEM (Duvaklı, 2010: 18). Simultaneously avowing and disavowing JİTEM and the 'deep state, the Ergenekon trial has been yet another failure to prosecute state crime. The trial resulted in the conviction of the majority of the defendants for leadership or membership in an armed terrorist organisation. However, the convictions were overturned in 2016 pending a re-trial. The trial led to deep

polarisations within the society some considering it as a conspiracy trial by the governing party AKP against its opponents, some referring to it as a significant opportunity to reveal the criminal networks within the state (Söyler, 2006).

State terror between denial and acknowledgement

Despite the chilling openness of state violence in Kurdistan, the state authorities have never acknowledged detentions, abductions, interrogations, killings or disappearances. The families who inquired the whereabouts of their relatives would be told that they have never been detained and that there are no records of detention. "The crushing indifference of prosecutors, administrative directors and judges who responded to them with clichés" (Göral et al., 2013) added further to the suffering experienced by the families. Further to the bodies of the abducted, the information on the perpetrators was also denied.[126] In this conflict military officers dressed like guerrillas were able to displace, torture and kill villagers who they described as terrorists. The reality that the victims witnessed was replaced with the reality narrated by the state. With nothing in its place, the sense of reality was shaken for the Kurds, along with their everyday lives. In that sense, state crimes against Kurds during the 1990s have not only resulted in the loss of lives but also in the loss of a sense of reality. Denial of the reality depicted by the victims was designed to create further fear reminding them who has the power over not only life and death but also over the reality.

One of the aims of the official denial of state violence is silencing. But just as denial is complex and might take different forms, silencing also functioned in complex ways in the Turkish context. Silencing by spreading fear, harassing and imprisoning oppositional voices, imposing media censorship went hand in hand with carving into the memories of Kurds the power of the state. The memory game that the state plays works for both ends, silencing and creating memory via pain and punishment.[127] The message given was "You should never forget what you should never talk about". As

[126] Besides hiding the identities of the perpetrators, another practice was using PKK repentants who are officially in prison in the death squads or during the interrogations. Those torturers or abductors often seen by the eyewitnesses were in prison according to the official records. For example, see Murat İpek case in Duvaklı (2010: 162).
[127] Here I refer to Nietzsche's discussion of memory in the Second Essay in *On the Genealogy of Morality* (Nietzsche, 1997)

Taussig (1992: 27) puts it eloquently regarding the 'dirty war' in Argentina, "the point about silencing and the fear behind silencing is not to erase memory. Far from it. The point is to drive the memory deep within the fastness of the individual so as to create more fear and uncertainty in which dream and reality commingle". The state benefits not from destroying the memory, but destroying its collective nature, fragmenting it, and relocating it to the private sphere of the self and the family (Taussig, 1992: 48). What we have is a dialectics of remembering and forgetting in Kurdistan, reminded of the power of the state on life and death through constant fear and terror and asked to forget. Throughout the 1990s, the Turkish state inflicted a culture of fear and terror in the region through corporeal, psychological and symbolic punishments' (Aras, 2014: 91).[128] The atmosphere of suspicion, distrust, anxiety and intimidation created by vast spy network including both state officials and locals, arbitrary detentions, torture, killings and disappearances (Aras, 2014:91-92) further reinforced fear, terror and violence deeply inflicted in the memories of the Kurds. The climate of fear created by state violence was entrenched by a legacy of corruption[129] within state institutions including the judiciary, their complicity in state violence, impunity and spiral of denial by the state. Except for short-lived, partial and strategic acknowledgements of past wrongdoings, there has been no mechanism to account for past state crimes. There has been no transition as the lines dividing the military and the state, the military and the paramilitary have increasingly blurred. Through secrecy, silence and denial, the state tried to conceal violent practices and avoid future accountability, which led to further violence.

Such a climate shaped by the culture of fear and terror led to a shaky foundation to establish neither the rule of law nor a moral order. As the official denial acquired lives of their own among the society (Cohen, 2001: 11), it led to the normalisation of collective violence creating a "not speaking, not looking, not even asking once afterward not once curious" type of citizen (Göçek, 2015: 11; Zerubavel, 2006: 33-45). This specific context and the dynamics of denial, silencing and acknowledgement

[128] As Aras (2014: 90-91) notes, 'the origins of Kurds' 'fear of the state' can be traced back to the 1920s and 1930s when the Kurdish struggle erupted due to the violence and assimilationist policies of the modern Turkish nation-state' and the rebellions were violently suppressed by the state through massacres, executions, forced resettlement policies.

[129] Turkey ranked as a highly corrupt country from the mid-1990s to 2002 according to the Corruption Perception Index (Söyler, 2015: 204).

in Turkey is crucial in the analysis of confessions of state crime by its very perpetrators. The crucial question to ask is to what extent perpetrators' confessions can challenge this climate which produced them and has been produced by them. In addition to keeping silent, or censoring to sustain secrecy, perpetrators produced texts which subvert what happened through various rhetorical and performative strategies (Göçek, 2015: 9). The next two chapters focus on the culture of confession in Turkey regarding state crimes against Kurds during the 1990s, the rhetorics and the effects of perpetrators' confessions.

CHAPTER 4: PUBLIC CONFESSIONS OF TURKISH STATE ACTORS

Introduction

Contrary to the common narrative in Turkey that information on the atrocities against Kurds during the 1990s were highly limited or lacking at the time, parliamentary debates and inquiry commissions, fact-finding missions by national and foreign delegations, reports by national and international human rights organisations, media reports and victims' testimonies show that there was abundant information to the searching eyes and ears. As I sought to show in the previous chapter, there has never been complete silence on or denial of state violence and its actors such as JİTEM. Political killings and disappearances have been on the public agenda from the early 1990s through revelations of state officials, parliamentary debates[130] and media reports. The 'secret' JİTEM unit, along with other death squads within the military and the police were not only known to the state officials but were also actively supported by them. The State of Emergency Governorate was key in providing JİTEM with the necessary logistics (Kılıç, 2009). During Tansu Çiller's Prime Ministry, there has been an increase in political violence against Kurds. She has not only explicitly embraced state violence, but in 1993 she announced that they had a list of businesspeople, civil servants and artists who support the PKK and they will call them to account. Shortly after Çiller's statement, more than a dozen of Kurdish businesspeople in the list have been abducted, tortured and killed.[131]

From the early 1990s onwards, there has also emerged another form of truth-telling in relation to the state crimes against Kurds, that is, public confessions of state actors involved the extra-legal and illegal acts of the state. Following the Cold War and

[130] For example, see the notes of the parliamentary debate about the submission of a group of MPs for a parliamentary inquiry on the *kontrgerilla,* See TBMM Tutanak Dergisi, 75. Birlesim, Cilt 31, 2 March 1993, p.39

[131] Those killings mostly took place near Istanbul, where infamous JİTEM commander Veli Kucuk was the gendarmerie commander. According to Kurdish MP Pervin Buldan, whose husband was also abducted, tortured and killed, during Küçük's time there have been around 100 killings in the area between İstanbul and İzmit, known as Sapanca Üçgeni (Kılıç, 176). In 1993, the military opened fire to crowds in Lice district of Diyarbakir killing 30 people and injuring 300. Some of the houses targeted during the raid belonged to Behçet Cantürk, the first Kurdish businessman to be killed in Çiller's list.

investigation into *Gladio* in Europe, particularly after the Italian Prime Minister's acknowledgement of *Gladio's* existence in Italy and its role in the violence against left-wing activists, there have been extensive media reports on the Turkish *Gladio*. In November 1990, Yüzyıl magazine published a series of articles on Special Warfare Department in Turkey and the activities of the *kontrgerilla*, which included the confessions of a military officer.[132] Several other liberal newspapers and magazines published revelations and confessions of military officers who were employed in Kurdistan.[133] Yet these early confessions are anonymous, claimed to be made by JİTEM officers or Special Operations teams, often via telephone calls to left-wing newspapers and magazines. The impact of these early confessions has rather been limited, partly due to their anonymity, as well as due to the hegemony of the official discourse on counter-terrorism.

Confessional narratives that I analyse in this and the following chapter mostly took place at the turn of significant political events that sparked public debate on the past in Turkey. Considering that biographies intersect with historical conjunctures in different ways (Foster et al., 2005; Huggins et al., 2002), personal circumstances of the state actors that made confessions also had a determining role in terms of the timing, narrative and reception of these confessions. The key moment that paved the way for a series of confessions was the Susurluk scandal which revealed the state's links with the mafia and the ultranationalist militant groups. The implications of the

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[132] 'Kontrgerilla'da subaydim' [I was a lieutenant in the Counter-guerilla], *Yüzyıl*, 25 November 1990, No: 17

[133] One early example is the confessions of a Major to 2000'e Doğru magazine on 17 May 1992. The Major confessed that he participated in the military operation during Newroz in Şırnak during which dozens of civilians were killed. "I directly took part in the state's Newroz operation. The aim was to intimidate people". He added "We decide on people's lives. The lives of villagers, and the shepherds. If you just kill them and put a weapon next to them, then it is all fine. That's all. I will resign from the military. I don't know how I will make a living in civilian life, but I will definitely resign". 'Operasyona katılan yüzbaşı anlatıyor: "Devletin Newroz Provokasyonu"' [The Major involved in the Operation spoke: The State's Newroz Provocation], *2000'e Doğru*, 17 May 1992, No.20, p.18-19. A week later, the magazine published the confessions of a sergeant, who decided to make revelations to the magazine following the publication of the above news report. He said, "If I wrote my experiences, it would make volumes of books. I don't regard myself as a human being anymore. Please tell me, would a human being do what I have told?" He gave detailed information about the killing of the Mayor of the town Hilal, Yakup Kara, by the village guards following the instruction of Şenoba gendarmerie commanders. He also confessed about a military operation in Northern Iraq that he also took part, during which six unarmed villagers were killed by the soldiers, and their belongings and money were shared by the commanders among themselves. 'Hilal Belediye Başkanı'nın ölümünde yeni gelişme: "Yakup Kara Cinayeti Tabur'da planlandı" [New development in the death of the Mayor of Hilal: Yakup Kara killing was planned in the battalion], 24 May 1992, 2000'e Doğru, No.21, p.14-15

Susurluk accident and the ensuing scandal were too visible to hide which led the state to search ways to contain it including through a parliamentary inquiry and a hastily conducted court case. In the course of the investigation, a number of state actors including four PKK repentants working for JİTEM (Kahraman Bilgiç, Murat Demir, Murat İpek and Abdulkadir Aygan), one Special Forces police officer (Ayhan Çarkın) and the former Deputy Head of Police Intelligence (Hanefi Avcı) made substantial revelations and confessions both to the parliamentary inquiry commission and to the media on the illegal acts of the state during the war with the PKK. The confessions of Major Cem Ersever, who had resigned from the military due to an internal conflict, came as a reaction against the informal negotiations between the Turkish state and the PKK. Ersever was killed after he spoke to the media in 1993, and his confessions received increased media attention following the Susurluk scandal.

The other series of confessions that I will analyse took place from 2004 onwards. This is a relatively peaceful period owing to the ceasefire declared by the PKK following the arrest of the leader of the PKK Abdullah Öcalan in 1999 as well as the beginning of the membership negotiations with the EU and associated reform process. During the 2000s, the clashes with the PKK were intermittent, and there has been more space for freedom of expression owing to the ruling party AKP's softer stance in the course of establishing its hegemony against the military. The Ergenekon trial, a crucial political trial that started in 2007, has been the main breaking point epitomising the power struggle among the factions of the state. This period can be considered as a period when reflexive accounts on the conflict with the PKK proliferated. It has indeed given rise to a 'culture of confession', during which the state actors who were involved in the conflict came forward to give an account of their role in the conflict, through memoirs, non-fiction books and frequent media appearances. The relatively peaceful period in the early 2000s has been key in facilitating the PKK repentant JİTEM officer Abdülkadir Aygan's confessions in 2004, while his personal circumstances that made him leave JİTEM also had a crucial role. The confessions of Hanefi Avcı and Arif Doğan in 2010, additional confessions by Aygan in 2009 and by Çarkın in 2011 were prompted by the Ergenekon trial, during which the key high-ranking military officials involved in state violence against the Kurds were prosecuted.

My analysis of the public confessions of perpetrators of state violence in Turkey is divided into two chapters. In the first one, I will discuss the confessions of Turkish state actors including military officials Major Cem Ersever and Colonel Arif Doğan, former Deputy Chief of Police Intelligence Hanefi Avcı and Special Operations police officer Ayhan Çarkın. Confessions and revelations by Ersever, Doğan and other high-ranking state actors did not necessarily fulfil the main elements required for the felicity of the speech act of confession. Their 'confessions' while acknowledging the wrongdoing they committed have not included remorse or demand for forgiveness. Defining them as 'patriotic' and 'heroic' following Payne (2008), I will discuss these confessions in a separate section with a focus on Ersever and Doğan, the founders of JİTEM. The other two cases I will analyse in this chapter, namely Ayhan Çarkın and Hanefi Avcı, depart from these confessions, as they both included a remorseful performance and demand for forgiveness from their victims. Both confessions received unprecedented media and public attention, while Çarkın's confessions also revealed crucial evidence about some extrajudicial killing and forced disappearance cases. I will discuss the public confessions of the PKK repentants working for JİTEM, namely, Kahraman Bilgiç, Murat Demir, Murat İpek and Abdülkadir Aygan in the following chapter. Confessions of the PKK repentants, who are all Kurdish by ethnicity and former members of the PKK, deserve to be examined as a separate case study both due to the common patterns and their special role in creating plausible deniability for the Turkish state.

In what follows, I will provide a close analysis of the rhetorical and performative devices used in these confessional narratives through a discussion of the specific elements of their performances, namely, the timing of their confessions, their confessional narratives, their acting, and the reactions of the audiences as well as the common threads in their arguments. I will particularly focus on how they reconstruct the acts they committed and their subject position. These two chapters will be more in the form of a descriptive analysis with a view to identifying the dominant and common strategies the state actors employ, which will be followed by an overall comparative analysis in Chapter 6.

Tevil yoluyla ikrar[134]: Heroic confessions by military officials

Cem Ersever

Since the start of the 'special war' with the PKK, there have been revelations from several military officers about the extra-legal methods used during the war.[135] The earliest example is the confessions of Major Cem Ersever, who was one of the founders of JİTEM and the head of Diyarbakir JİTEM Command. During his time in Kurdistan for more than ten years between 1974 and 1992[136], his name was associated with grave atrocities against Kurds including torture, forced disappearances and extrajudicial killings. Following his retirement in 1993 as an act of protest of the government's 'soft' policy on the PKK, he made revelations to several journalists in Aydınlık, Tempo, Tercüman and Daily News either in his own name or using a nickname. Several reports argue that the main reason for Ersever's retirement and confessions is that he did not get the support from the government to implement his own strategy in the fight against the PKK (Yalçın, 2008; Savaş, 1998). The PKK's unilateral ceasefire in early 1993 and the start of secret political negotiations provided the context for Ersever's confessions. At the time of his retirement, he had already been appointed to a passive role of Gendarmerie intelligence group commander in Ankara, which shows his decreasing importance for the state.

Ersever did not appear on television and insisted that pictures of him would not be published. His in-depth interviews with Soner Yalçın from Aydınlık were later published as a book titled *Major Ersever's Confessions*, which was reprinted over 35 times. Ersever explains the reasons for his retirement in a press statement as follows: "I believe that the Turkish public should be enlightened about the policies, the mistakes and the betrayals since 1984. I hereby state that I will make revelations to the public regarding the betrayals of Celal Talabani, his relations with the PKK, the

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[134] 'Tevil yoluyla ikrar' is used to refer to indirect confessions in Turkish legislation. Please see footnote 163.

[135] See Yalçın (2008: 34) for the news titled 'Jitem'de görevli astsubay açıklıyor: uyuşturucu kaçakçılığı yapan subaylar' [JİTEM Sergeant reveals: Sergeants involved in drug smuggling], 2000'e Doğru, 21 June 1992

[136] The only time he was not employed in the Kurdish region was when an investigation was opened against him for opening fire to a group of people protesting him. He was appointed to another city to investigate drug trafficking.

real situation in the southeast, the village guards, the repentants, extrajudicial executions and the organisational roles of some of the politicians, via the Turkish press" (Ağaşe, 1998:63; Yalçın, 2008:47). An investigation was opened against Ersever following his interview with Aydınlık for conducting an unauthorised interview. He was abducted and killed a few days before the first hearing of his trial in Ankara on 26 October 1993. His body was found bound and gagged near Ankara Elmadağ on 4th of November. Two people close to Ersever, namely his aide Mustafa Deniz and his girlfriend Mahsune Dguebe (Neval Boz) were also killed. Their bodies were left in three different locations (within gendarmerie territory) forming a triangle possibly referring to Cem Ersever's book *Üçgendeki Tezgah* (The Conspiracy in the Triangle) (Beşe, 2006: 244). His killing was reported in Milliyet newspaper with the title 'The man who knew too much was killed'. The Prime Minister Tansu Çiller said in a media interview 'it seems to be an internal settlement of accounts amongst themselves" (Yalçın, 2008: 179, 201).[137] Ersever's killing has never been properly investigated leaving many questions unanswered. Despite the internal criticisms against him[138], several judicial investigations and a parliamentary inquiry into his actions,[139] an official military funeral was organised for Ersever in contradistinction

[137] Interview Sedat Ergin, the Ankara representative of Hürriyet 15 November 1993

[138] Following the debates about potential conflict among different intelligence groups within the security units, an official from Gendarmerie General Command told Cumhuriyet newspaper that 'Ersever has not worked in intelligence for long contrary to what is told. His killing is not simply a murder of an intelligence officer. There is no competition between intelligence units. The case has probably some dark aspects such as drug and arms trafficking.' (Yalçın, 2008: 201). Prime Minister Çiller's statement and this official statement from the military could be considered as confessions to the drug and arms trafficking within the intelligence units and the conflict among different groups, yet none of these issues have been subject to investigation or public debate.

[139] During his time as the Gendarmerie Regiment Commander in Silopi from 1975 to 1977, there have been loads of complaints against him by the local people, political parties and local administrators and for his violent and discriminatory attitude against Kurds, arbitrarily detaining people, burning the houses of some villagers, and for pressurising people to support the ultranationalist party Nationalist People's Party (MHP) and its affiliated institutions. When the complaints against him reached a tipping point, a group of people gathered to protest him during which Ersever and soldiers under his command opened fire injuring three people (Cumhuriyet; Ağaşe, 1998: 20; Kılıç, 2009: 23-24).[139] That incident came before the Parliament after the Mardin MPs Nurettin Yılmaz and Ahmet Türk asked for a Parliamentary Commission of Inquiry to be established. The MP Yılmaz stated that "Even a single one of the crimes he committed should have been prevented him working for the state let alone security units. But Ahmet Cem Ersever, bracing up from the attitude of the government that condone and encourage such acts, has been conducting his job as a means of violence". The military investigation that was opened against Ersever was dismissed, as Ersever and other military officers presented the case as a riot attempt against the military in the region and a legitimate act of self-defence (Kılıç, 2009: 25). Yet because of that incident and other complaints against him, Ersever was appointed to a unique position to head intelligence on cross-border smuggling in eight cities (Yalçın, 2008: 37; Ağaşe, 1998). His activities during that time have also been subject to judicial prosecutions as it was alleged that he had close links with one of the smugglers. Ersever acquitted the case that was opened against him in 1982 a year later.

with the military regulations.[140] Ersever, a ruthless killer for Kurds, was celebrated as a patriotic state official who received several awards for his role in the war against the PKK.[141]

The fact that Ersever was killed following his revelations and the circulation of his revelations as 'confessions' positioned him as a 'truth-teller' who was punished for speaking out against certain power groups within the state. Yet his initial revelations to the media were not about state violence or JİTEM's atrocities. He carefully constructed his confessions to disavow his own crimes and to explain away state violence: "I have not involved in any antidemocratic or illegal act… I believe that Kurdish question and the PKK issue should be treated separately, that the PKK problem should be eliminated and that the fight against the PKK has been implemented wrongfully" (Yalçın, 2008: 49). These early revelations were about the theoretical, strategic and tactical failures of the state in its war against the PKK, its lack of a military strategy, compromises made by some state officials, their involvement in cross-border arms and drug trafficking, the state's cooperation with the Kurdish parties in Northern Iraq and its failure to represent the full picture of the war to the public. Arguing for the need to wage an unconventional war against the PKK, he was against any kind of peaceful solution or political negotiation (Yalçın, 2008).

In these initial interviews, Ersever denied state-sponsored killings, village evacuations and any violence against civilians in the region: "The state has not pressurised anyone to evacuate the villages. I have not heard that. As the Intelligence group commander, it is not possible for me not to know" (Yalçın, 2008: 61). He evaded the questions on disappearances and extrajudicial killings and linked them to the insufficiency of the state's military strategy and interpersonal and intertribal conflict in the region that increased with the instability and insecurity brought by the war. He further argued

[140] Military funeral can be held for only colonels and above.
[141] Ersever received Certificates of Excellence and Achievement signed by the Gendarmerie Public Security Commander Hulusi Sayın in 1989 and two other certificates by the Gendarmerie Public Security Commander Hikmet Köksal in February and November 1990 (Ağaşe, 1998: 93-96). These documents themselves constitute an evidence about the existence of JİTEM.
While in the first letter Ersever is referred to as Gendarmerie Team Commander, in the second one he is Gendarmerie Intelligence and Counter-Terror Team Commander and the third one he is referred to as JİTEM Group Commander (Ağaşe, 1998: 93-95).

that these 'unsolved killings' were individual acts and they could have been committed by the PKK which "aims to put the blame on the *kontra*, 'smearing him', or 'to benefit from public uproar'". Despite the eyewitness testimonies on military involvement in killings, he said, "In such an atmosphere, certain groups emerge, it is not certain who is killing whom. From 7 to 70, everyone has got a gun" (Yalçın, 2008: 55). When he is reminded of the cases in which his name is mentioned, such as the killing of Resul Sakar, the head of the Labour Party Cizre branch, he responded "Let me put it plainly… if I had a dark past, I would not have appeared before the public now… I have not got even remotely close links to the incidents attributed to me whatsoever. I am saying this with all my sincerity; I have never been involved in the *kontra*. The people in the southeast, especially in Cizre, Silopi, Şırnak, Uludere, Şenoba, Eruh, Derik, Siirt, all know me well. A big majority of them, if asked what they think about 'Cem', would describe me as someone who stood against the unfair policies against people' (Yalçın, 2008: 91). Ersever also denied the use of torture referring to it as an act 'beyond humanity'. Positioning himself as a patriotic military officer, he engaged in outright denial of the state atrocities in the region in these initial interviews.

During his secret interviews with Yalçın, which were later published in the book and revealed in his leaked telephone conversations, Ersever moved from outright denial of the existence of state killings, to partial acknowledgement of disappearances and extrajudicial killings, this time attributing them to certain factions within the military and the ultranationalist non-state actors who went to Kurdistan to kill the PKK militants and sympathisers. According to Stanley Cohen's discussion of 'spiral of denial', timing influences text and the spiral which starts with refutation might continue with an explanation of it, as evidence makes it impossible for them to deny. The denial then takes the form of virtuous acknowledgement of the wrongdoing (Cohen, 2001; Payne, 2008). Despite his outright denial at the beginning that "the state does not commit killings" (Ağaşe, 1998: 76-77), Ersever later stated "Do you think the Gendarmerie General Command is not aware of the extrajudicial killings in the region? Don't Ministry of Interior or MIT know about them? They know everything. The people know as well. Actually, everyone in the region knows who is killing who (Yalçın, 2008: 144). Atrocities denied blatantly turn into 'open secrets' that everyone knows.

Although Ersever's revelations were circulated as confessions by the Turkish media, he did not talk about the cases attributed to him. Pointing out certain groups within the military, Ersever said, "Neither the police nor the military is counter-guerrilla in the sense that you mean. Yes, there is counter-guerrilla in the region. Let me explain you. The hitmen of the MHP in the 1970s entered the service of police and military. They might have entered the service of the MHP following orders too, I don't know. These people are sick. When you observe their behaviours, you quickly understand how psychopathic they are… There are around 100 such people in the region. Most of them are hitmen. Their only aim is to fight the PKK. Their arms, bullets and money are provided by the state. They are in a way illegal guards. They kill people without blinking an eye. They call themselves the 'Turkish Revenge Brigade' or the 'Ottoman Turkish Revenge Brigade. They compete with each other… The strongest and the most dangerous among them is *Sakallı* or *Yeşil"* (Yalçın, 2008: 138-139). Ersever put the blame both on such individual groups as well as the police and the military who facilitated such acts. Although he worked closely with the village guards and the PKK repentants, Ersever blamed them for using their power for personal interests including drug and arms trafficking and extorting money from the local population.

Ersever's references to these actors in the region both aim to individualise the state violence in the region and present a mystifying picture. The main actor he referred, *Yeşil*[142], an ultranationalist hitman working for different security and intelligence units since the 1970s, who has also been known as Ahmet Demir or Mahmut Yıldırım, is such a mystified figure in Turkey. Every now and then, the public agenda is occupied with a debate about whether or not he is still alive.[143] Ersever talked about three significant cases putting the blame on *Yeşil*, including the execution of five Kurdish

[142] During the war with the PKK, Yeşil has been active in JİTEM in Tunceli, Bingöl, Elazığ, Malatya, Muş (Kılıç, 2009: 123). There have been numerous complaints about him to the Parliamentary Human Rights Commission about the atrocities he has committed against civilians. Following the increase in complaints Parliamentary Human Rights Commission, the Commission formed a sub-commission to investigate the allegations of violations by Yeşil. As a result of their mission in the region on 14-15 April 1991 they conclude that Yeşil was used as an informant by the gendarmerie but following the complaints about him, he was dismissed on 25 April 1991 (Yalçın, 2008: 169-170).

[143] The most recent debate about whether *Yeşil* is alive or not took place during a TV debate featuring the former Head of General Staff Intelligence Department İsmail Hakkı Pekin and Hanefi Avcı. Pekin said "I got the news 4-5 months ago. Mahmut Yıldırım with the codename 'Yeşil' is alive". See ''Yeşil yaşıyor mu?' tartışması', *Habertürk*, 3 April 2018, retrieved from http://www.haberturk.com/yesil-yasiyor-mu-tartismasi-1903176

people, three of them argued to be PKK militants, following their detention by the military in Muş; the abduction, torture and killing of Metin Can, the head of Elazığ Human Rights Association and Hasan Kaya, a medical doctor; and the abduction, torture and killing of Ayten Öztürk, a young Kurdish woman in Tunceli. In the case of Öztürk, Ersever misrepresented her abduction by *Yeşil*'s team arguing that she mistook them for PKK militias who she thought were going to take her to the PKK", causing further injury for the family (Yalçın, 2008: 145).

Regarding the killing of Vedat Aydın, the head of HEP Diyarbakır branch, which is attributed to Ersever and his team by the witness statements and other confessions, Ersever resorted to different silencing tactics. Aydın, a prominent and popular Kurdish politician, was unofficially detained on 5 July 1991 and his tortured body was found on 7 July 1991. Tens of thousands of people attended his funeral during which the security officers opened fire to the people killing several people and injuring hundreds. Ersever first argued that "With Vedat Aydın's killing, more people joined the PKK… If it is claimed that such acts were committed by the *Hizbulkontra*, if the state contributed to these, and if it is still claiming that it is countering terrorism, then there is a contradiction there" (Yalçın, 2008: 58). Initially engaging in denial through such evasive rhetoric, he then said, "It is a very complicated case. I could not puzzle it out either... Everyone said something about this case. But I don't have any information. And I cannot talk about something which I don't have any information about" (Yalçın, 2008: 155). Both Yalçın's comments and the witness statements however indicated Ersever and his team in Aydın's killing. While Ersever claimed not having information about the cases that were attributed to himself, he willingly gave details about the cases attributed to his rivals such as *Yeşil*. As Ersever became more confident towards Yalçın, he told that he could take him to the region as an undercover journalist, but with the following warning "But you are not going to write what you would hear about me there". Upon Yalçın's question "But what did you do?" he responds "Nothing. The kids there might tell you invented stories to praise me" (Yalçın, 2008: 150).

Although Ersever tried to position himself outside the state crimes he talked about, the editorial policy of the papers that interviewed him had already set the context for his confessions. *2000'e Doğru* covered the extrajudicial killings of 22 people in the

villages around Mardin, Batman and Şırnak in 1991. In relation to the perpetrators, they said, "The appearance and the methods of people who committed these killings are the same. They drive white Renault. They speak Kurdish with Kars accent. They wander around in guerrilla clothes. Leading this counter-guerilla unit is Lieutenant A.Ö. and H.K." (Yalçın, 2008: 27). A.Ö. was known to be Aytekin Özen, Cem Ersever's deputy. In their first article on Ersever, *Aydınlık* published his profile where they referred him as the pro-MHP lieutenant who had once ordered the soldiers to open fire to people in Silopi. "There are extrajudicial executions wherever Ersever goes" it added (Yalçın, 2008: 49). The coverage, however, did not lead to public mobilisation demanding the investigation of the crimes confessed, except by the relatives of the victims, human rights groups, Kurdish political activists and some MPs. Following the publication of the interviews with Ersever, Yalçın received phone calls from the relatives of Can, Kaya and Öztürk and they filed lawsuits. Ersever's revelations sparked other confessions, including a soldier who worked in Yeşil's team who confessed to raiding a village dressed as PKK guerrillas and killing those who sympathised with the PKK.[144] People's Labour Party's Şırnak MP Mahmut Alınak submitted a written question to the Prime Minister on 14 October 1993, which was not responded. With regards to the lack of media interest, Yalçın (2008: 116) said, "Every line of Ersever interview could shake Turkey. But it has not resonated in the media". The state officials refrained from commenting on the case. Yet unlike Ersever's revelations on the atrocities against Kurds, Yalçın's book *Major Ersever's Confessions* and Ersever's own book *Üçgendeki Tezgah* received widespread attention and were reprinted many times.

Ersever's confessions lied in between denial and acknowledgement. While giving the details of the atrocities committed by some military officers, ultranationalist individuals, village guards and the PKK repentants, he was silent on his own atrocities and denied having any knowledge of well-known cases by the human rights community. Ersever's narrative in that sense did not fit the characteristics of confessional accounts. However, despite his silence on the atrocities he committed, he engaged in a self-righteous rhetoric defending the extra-legal and non-conventional war methods against the PKK, including his plans to form civilian counter-terror

[144] Panorama on 13 October 1993 (Yalçın, 2008: 167)

units. Assuming a sacred responsibility in counter-terrorism and resorting to the discourses of national unity and security, he normalised the extra-legal acts of the state that have resulted in numerous human rights violations. Besides these confessional elements, the circulation of his narrative as 'confessions' had a significant impact on its reception by the audiences. Naming a text 'confession' is a political act, as it approves the text's claim to truthfulness and authenticity (Tell, 2012). Locating a revelatory text in the confessional genre, as the Turkish media frequently does, serves to the needs of the mainstream media, often for more sales through a sensationalist coverage. Ersever case reminds us the significance of context, setting and audiences in the reception of confessional performances. His role in state crime in Kurdistan, well-known to the human rights community and Kurds, facilitated the reception of his narrative as confessions. Among the wider Turkish public, however, it is still possible to see references to Ersever as a patriotic military officer who was killed for countering certain factions within the state. Besides his rhetoric on the atrocities, his killing itself constitutes a crucial part of the debate mystifying state violence in Turkey.

Arif Doğan

Arif Doğan has started his military career first in Kurdistan as a troop commander, then as a second lieutenant in secret intelligence in northern Turkey and finally in the gendarmerie intelligence within the Gendarmerie General Command. Doğan is a well-known figure in the human rights community owing to the testimonies on his role in atrocities against Kurdish civilians. He died in 2014 without facing any prosecution in relation to these atrocities. Like Ersever, a military funeral was organised for Doğan despite the serious allegations against him and the prison sentence he received as part of the Ergenekon trial.[145] Arif Doğan's public confessions started following his prosecution under the Ergenekon trial, during which his telephone conversations containing revelations on JİTEM were leaked to the media. The second indictment of the trial, which is based on Doğan's confessions to the Prosecutor, and the JİTEM

[145] CHP MP Sezgin Tanrıkulu submitted a written question to the National Defence Minister İsmet Yilmaz questioning the military funeral organised for Dogan despite the prison sentence he received as part of the Ergenekon trial and serious of allegations against him. http://www2.tbmm.gov.tr/d24/7/7-54502s.pdf

archive and ammunition found in his house[146], specifies that Doğan is the founder of JİTEM, and he then transferred his role to Veli Küçük, challenging the constant denials by the Gendarmerie and the General Staff.[147] The JİTEM archive found in Doğan's house included bags of documents containing the lists of JİTEM officers' names and reports, which were later classified as state secret. Following the increase in media coverage of Doğan's role in JİTEM, he contacted the publishing house which previously published Ecevit Kılıç's book on JİTEM to express his intention to write his memoirs. The book titled *JİTEM'i ben kurdum* [I founded JİTEM] is based on interviews with Doğan. The publication of the book was followed by his frequent media appearances on both TV and print media.

Like Ersever, Doğan's confessions lie between denial and acknowledgement. Simultaneously denying and glorifying violence, a common aspect of heroic confessions (Payne, 2008:171), Doğan proudly admits having founded JİTEM, while denying having any knowledge on its atrocities against civilians. Doğan situates his confessions within a discourse of heroic struggle against the PKK and positions himself as a patriotic, loyal and successful military officer. Considering the timing of his confessions, which was after the media coverage about Veli Küçük as the founder of JİTEM, the main aim of Doğan was to highlight his founding role in JİTEM, to reclaim it from Küçük, as the title of his book indicates. He said, "Veli Küçük played a hero when he was arrested two years ago. He said, "I founded JİTEM (…) When the accusations about JİTEM started, he then engaged in a denialist attitude. Then I came forward and said, 'I founded JİTEM" (Doğan, 2011: 153). He constructs his confessions as an intervention to tell the truth and enlighten the public.[148]

Unlike the General Staff and other high-ranking military officials, Doğan explicitly acknowledged that JİTEM had both intelligence and operation functions, and the need to bring the two together was the main reasoning behind its formation. Glorifying his

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[146] 'Ergenekon'da yeni iddialar yeni gözaltılar', *Cumhuriyet*, 15 August 2008

[147] Ergenekon Indictment: The Republic of Turkey, Istanbul Office of the Chief Public Prosecutor, Investigation no: 2007/1536, Case no:2008/968, Indictment no:2008/623 retrieved from https://tr.wikisource.org/wiki/2._Ergenekon_%C4%B0ddianamesi/V._B%C3%96L%C3%9CM_%C5%9E%C3%9CPHEL%C4%B0LER%C4%B0N_B%C4%B0REYSEL_DURUMLARI_35-%C5%9E%C3%BCpheli_Arif_Do%C4%9Fan

[148] In a TV interview, Doğan said "I spoke because people were being deceived". https://www.youtube.com/watch?v=meNT-op37es

role in the process, he stated that "It was a very nice organisation and if it continued to exist, the gains of the gendarmerie and the executive authorities in the East and the Southeast would be fiftyfold" (Doğan, 2011:21). His narrative on JİTEM is a highly-sterilised version, according to which it only operates in rural areas, gathers intelligence about the PKK militants, fights only when necessary, and regularly reports its actions. This sterile picture, however, conflicts with Doğan's statements in the media and in the court, that there were 10.000 agents and informants working for JİTEM. He said, "JİTEM was established to conduct operational intelligence. I founded it. It was not approved by the Gendarmerie General Commander. I chose its members across Turkey. It included 10 thousand men, 650 women, 20 doctors, 30 male and female nurses. The codenames of 10 thousand people are recorded in the archives".[149] He even went as far to state that they distributed thousands of unlicensed arms to these civilians and teachers. In his leaked telephone conversations and interviews, Doğan stated with an utter difference that he ordered the burning of the trucking rigs of Kurdish businessmen in response to the PKK's burning of trucking rigs of the Turkish businessmen. "PKK burns those from 06, 31, 01, 51, 50, 42.[150] And I was burning the trucking rings from 47, Muş, Bitlis, Bingöl, I mean the cities where they consider Kurdistan… After that, they stopped burning the trucking rigs". He added that he used to enter the tampon region between Turkey and Northern Iraq without any parliamentary approval for cross-border operations (Doğan, 2011:60). Doğan's acts appear as a copy of the acts of an organisation that he considers terrorist. Yet as Aretxaga argues in relation to the state terrorism in Spain, what is copied is not terrorism but "a fantasy of terrorism", as the terrorist can only exist in a fantastic form, as a collective representation (Aretxaga, 2005; Zulaika and Douglass 1996). What is produced in this mimetic engagement of the state is terrorism and a nervous state subject to uncontrolled excitement (Aretxaga, 2005:224). The affective states produced by state terrorism are all too visible in Doğan's confessional performances, marked with outbursts of anger, joy and exhilaration.

[149] 'Arif Doğan: JİTEM'in 10 bin elemanı var' [Arif Doğan: JİTEM has 10 thousand members] Cumhuriyet, 15 November 2013

[150] In Turkey, the plate numbers indicate the cities. Vehicles with plate numbers of the Kurdish cities were used to discriminate against the owners. There are reports about such vehicles being attacked in the western Turkish towns.

Doğan denied any involvement of JİTEM or himself in cases of torture, forced disappearances or killings and argued that all the acts of violence attributed to JİTEM took place after his time. Disavowing the period after his change of duty, he named the JİTEM associated with the atrocities as *GÖTEM*[151] and added, "I don't know what happened after me. The repentants, arms smuggling, drug trafficking, bouncers, abductions, all out and out… Officers, the repentants, PKK members were all involved in this using JİTEM's name" (Doğan, 2011:52). Like Ersever's mystifying and individualising rhetoric, Doğan also blurred the events and diffused responsibility saying that "There have been various incidents in the region. But there is not just one unit there. There are various operation and intelligence units. And there is a diverse population… Regarding the unsolved murders, as I said before, there are *GÖTEM* units formed by those who left JİTEM, who acted outside of JİTEM. These units are formed by the local people or the repentants… They kill people because of their internal disputes and claim that 'JİTEM killed them'… But the JİTEM they mention cannot be our JİTEM… We have not used methods of torture or punishment" (Doğan, 2011: 39-40). Thus, for Doğan the casualties were the acts committed by a few disorderly and 'unprincipled' people for personal interests. Particularly targeting the PKK repentants, and reducing their involvement in JİTEM to providing intelligence on the PKK and scouting, he argued that they were never allowed in operations but they pretended to have an important role. JİTEM, known with its atrocities and illegal activities, appear as a patriotic counter-terror unit in Doğan's confessions, that he relentlessly own and defend.

Regarding the cases that JİTEM's involvement is well-known, Doğan either made confusing statements amounting to fantasy or he attributed them to rogue individuals or the PKK. In a plain distortion of the facts that have been confirmed by various reports, he argued that Vedat Aydın was killed by the PKK with the support of Ahmet Türk, a respected Kurdish politician or that Abdulkadir Aygan, a PKK repentant working for JİTEM, who made confessions on the atrocities committed by the group, is actually dead, he got him killed where he sought asylum and it is someone else

[151] *Göt* means ass in Turkish and GÖTEM is a pejorative reference Doğan uses to separate the JİTEM he established from the JİTEM associated with the atrocities.

making confessions.[152] With regards to *Hizbullah*, a paramilitary unit in Kurdistan, Doğan acknowledged that they helped the formation of *Hizbullah* to counter the PKK's appeal to religious Kurds. Yet he claimed that their activities were limited to propaganda at that time and that they might have armed themselves and involved in violence after his duty ended. "*Hizbulkontr* ended with me. Because I did not herd them. It seems those who herded them could not do it properly. When they got out of control, they changed their names and started to be called *Hizbullah*" (Doğan, 2011:158-161).

In addition to his book containing his confessions, his statements to the prosecutor and his leaked telephone conversations, Doğan appeared in one of the most popular TV show *32. Gün* as the 'surprise guest'. Birand, the presenter of the programme, referred to him as the 'black box of JİTEM', a 'death machine' and opened the programme saying that "I reckon tonight Turkey will understand much better what happened during that period". Astonished by the severity of Doğan's statements, and his shocking confidence and indifference, Birand said, "What you are telling now is so fantastic, so terrifying that I cannot believe. You are saying that you formed a civilian army of 10 thousand people, distributed thousands of arms and, you killed 78 people. And you are just telling all these". Only when Birand rhetorically asked if Doğan wants to go to prison by confessing all these, Doğan responded, "I am telling sincerely, in my life I only gave one order to get someone killed" stating that 78 refers to the militants killed during the clashes. Regarding the mass graves found, he similarly argued that they belonged to the PKK militants, not civilians.

Doğan's confessions in his book, court statements and his media interviews were so serious that in a normal functioning democracy and the rule of law, they would be subject to immediate investigation and public debate. Yet, silence ensued. Disturbed by the lack of reaction, Birand wrote a column asking why the General Staff is silent about Doğan's confessions. In response, the General Staff's Communications department called him stating that "We are responding to the questions of the prosecutors in the context of ongoing investigations... Apart from that, the allegations

[152] He repeats that in his 32. Gun interview that he got Aygan killed. See 'Hizbulkontra'nın da babası Arif Doğan!', *NTV*, 11 January 2011, retrieved from http://www.ntv.com.tr/turkiye/hizbulkontranin-da-babasi-arif-dogan,bJHrtyGXuEuY0vVQ1GSOLw

of individuals concern themselves solely".[153] Doğan was not brought to account for his involvement in illegal and extra-legal acts of the state. His illness did not only help him to be released pending trial during the Ergenekon trial but also helped him to control his TV interviews engaging in a performance of vulnerability which helped him to avoid certain questions.

All the extraordinary state crimes in Turkey were normalised in Doğan's confessional narrative. He did not only normalise his own acts but referred to the people associated with state terrorism as 'people who served their state' (Doğan, 2011:171). The mafia leader Sedat Peker, with whom Doğan had connections turned into a patriotic, manly, and religious person who have undertaken various charity and humanitarian work (2011:128). In his wheelchair, talking slowly, using uncommon elaborate words, Doğan tried to appear as a wise and experienced military officer. His half statements implied that he is someone who knows a lot, who held strong positions in the state, was at the key decision-making processes. In his leaked voice recordings, he said "Once and for all. None but me knows JİTEM. I am JİTEM… What I speak is the law. If I call and question someone among our units about their acts, they can only apologise. If they deny, I get them killed. It is all for this country, for this land". Yet this performance of power and omnipotence was often cut with swears, vulgarity and idiocy. When telling how he pledged to fight against the PKK 'for its killings of both soldiers and Kurdish civilians', he told the story of a soldier allegedly burnt alive by the PKK. He asked "Do you know what human meat is like? It is fat, burns quickly" (Doğan, 2011: 12), a horrifying statement which immediately calls to question how he knows about it. Doğan's confessions presented an alternative reality with often difficult to believe stories contrary to the publicly acknowledged facts. Breaking the link between his acts and their consequences, he defined himself as faithful to the state and his acts as sacred, patriotic acts that he successfully fulfilled. His confessions functioned to reclaim his patriotic past rather than revealing any wrongdoing.

[153]http://webcache.googleusercontent.com/search?q=cache:kp6HdKbW744J:www.mehmetalibirand.com.tr/yazidetay.asp%3Fid%3D519+&cd=6&hl=en&ct=clnk&gl=uk

‘Culture of confession’ among the high-ranking state officials

Confessional narratives of Ersever and Doğan are crucial due to their direct involvement in the ongoing JİTEM cases and widespread media coverage of their narratives. Yet, their confessions represent a confessional trend in Turkey among the high-ranking military officials, many of whom made revelations about their acts during the war with the PKK, which constitute grave crimes according to both domestic and the international law. One such example is the confessions of Lieutenant General Altay Tokay, a retired commander who became the central executive council member of the Nationalist Action Party (MHP). In his 2006 interview with *Yeni Aktüel*, Tokat said, “In my time I also had a few bombs thrown to some critical points. These were empty places. My aim was to give a message. Civil servants, judges that come from the West [of Turkey] don't understand the seriousness of the situation... when things became calmer, they started to take this business not seriously... Therefore, I had [bombs] thrown at two places close to their houses. After that they understood that they needed to be careful. One [act of] disaster is better than a thousand words of advice. This way I educated them”.[154] The investigation launched following his remarks was dismissed.[155] Tokat, who had also been prosecuted for smuggling, had received several achievement awards from the military. There was no outcry among the public and the prominent journalists in the mainstream media either claimed that Tokat went mad or criticised him for playing into the hands of those who claim the existence of ‘deep state’ in Turkey.[156] Mehmet Ağar, the head of Democratic Path Party (DYP), who is implicated as one of the key people behind the state-sponsored killings, could even argue that “Tokat must have made a joke. His remark should not be taken seriously. Such an anomalous act cannot take place in the democratic Turkish state”.[157]

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[154] See Yeni Aktuel, 27 July 2006. Also see Tolga Korkut, ‘Jurists Demand Inquiry for General Tokat’ Bianet, 31 July 2006, retrieved from https://bianet.org/english/print/83036-jurists-demand-inquiry-for-general-tokat

[155] ‘Bir İki Bomba Attıran Tokata Takipsizlik’, *Bianet*, 31 October 2006, retrieved from http://bianet.org/bianet/toplum/87120-bir-iki-bomba-attiran-tokata-takipsizlik

[156] İrfan Aktan, ‘Altay Tokat Deli mi?’, *Bianet*, 5 August 2006, retrieved from https://bianet.org/bianet/siyaset/83287-altay-tokat-deli-mi

[157] See ‘Mehmet Agar: Tokat şaka yapmıştır’, *Milliyet*, 30.07.2006

Another similar case is Erdal Sarızeybek, who made revelations in his 2007 book *I have seen the betrayal* [İhaneti Gördüm] which was reprinted 21 times. Confessing that he created mock clashes to 'protect the people', he said "My plan was this. Every two or three nights, I would throw a 120mm mortar star shell over the district town. Then we would start shooting at previously arranged targets with machine guns; then we would fire missiles and create the feeling of a battle. The next morning, we would gather the people in the town square and tell them how much the town and the people would be harmed by a possible battle, and that we could thus not let the terrorists enter the town. We did this. We did this at least once a week in Şemdinli, and for a long period of time. You might call it madness, but we got results and prevented the people from being harmed, the rest is not important… I confess we felt quite desperate at times. Oh, what have we not done! We formed bearded teams of soldiers, dressed them in PKK uniforms and sent them ahead to secure roads".[158] Sarızeybek referred to such terrorising acts as 'madness' which was caused by their 'desperateness' against terrorism and to prevent massacres. The pro-Kurdish Democratic Society Party (DTP) MP Akın Birdal, who took his confessions to the Parliamentary Human Rights Commission, said "This is a confession of a crime. The prosecutors should take this as an admission of a crime and immediately launch an investigation".[159] Yet, there was no information neither in the media nor in the parliament archives as to whether the issue was discussed in the parliament and whether or not an investigation was opened against him. The fact that he wrote several other books, regularly appeared in TV shows analysing the current affairs and that he has got his own news site called Sarızeybek News shows the lack of political will to hold them to account.

There are similar examples in the civilian bureaucracy. Batman governor Salih Şarman, came to public prominence with a case against him for embezzling the public funds, when millions of dollars' worth arms he imported for the extra-legal civilian counter-terror unit he formed in Batman called Mixed Special Operations Units, were found in *Hizbullah* depots. He was acquitted of the embezzling charges and neglect of

[158] Sarizeybek, Ihaneti Gordum, Also see 'Mizansen çatışma itirafı', *Birgün*, 25 September 2007, retrieved from http://www.birgun.net/haber-detay/mizansen-catisma-itirafi-36212.html
[159] Tolga Korkut, 'Emekli Albay'ın Şemdinli İtirafı Meclis'e Geliyor', *Bianet*, 26 September 2007, retrieved from http://bianet.org/bianet/insan-haklari/101990-emekli-albay-in-semdinli-itirafi-meclis-e-geliyor

duty. President Demirel's famous phrase "sometimes the state deviates from the routine" was uttered regarding the Şarman case. Şarman's book *Rutin Dışı* is a proud reconstruction of his patriotic duty in Batman. In a concurrent attempt to boast and to diffuse responsibility, he described how he formed a counter-terror unit as a civilian bureaucrat following the approval, support and encouragement of all military and state officials of the time, including the Prime Minister Tansu Çiller.

The military and state officials who made confessions, like Tokat, Sarızeybek, Şarman, Ersever or Doğan have neither faced social reprisals nor judicial sanctions. The investigations they faced were either for revealing state secrets or on issues not related to the human rights violations they committed. Unlike similar heroic confessions across the world (Payne, 2008), their confessions have neither provoked debate nor shocked the public. The audiences in Turkey have hardly questioned the legality and the legitimacy of these acts, on the contrary, these officials regularly appeared in prime-time TV shows as experts on terrorism and their books sold thousands of copies. Except for some human rights groups and victims' associations, there have not been any counter-response. What engaged the public was instead the conspiracies, secrets and puzzles in their statements or books.

The confessions of high-ranking state officials often emerged following a power struggle that sidelined them or after they faced investigations or prosecutions. Hence betrayal dominates their performances. Ersever, who was given a more passive role due to the internal reactions against his attempts to build his own power base, decided to retire and make confessions out of feelings of anger against the state which he believed was failing in the fight against the PKK. By revealing the atrocities committed by other units, he claimed to enlighten the public. The timing of Doğan's confessions, which is after the Ergenekon trial, similarly, indicated his anger with his prosecution. Besides, his proud and boasting statements on his role in JİTEM was an attempt to reclaim it from Küçük who denied Doğan's role.

I refer to the confessional narratives of these state and military officials as '*tevil yoluyla ikrar'* which is used to refer to indirect confessions in Turkish legislation.[160] Their narratives often oscillate between denial of their involvement in state crimes and normalisation and glorification of such criminal acts as legitimate forms of self-defence and necessary acts for national security and unity. Like the heroic and denial confessions Payne (2008) analysed, military officers making these revelations admit to varying degrees of violence but not to wrongdoing. They justify their acts of violence as necessary and patriotic acts for the sake of national unity and security. They dismissed allegations of the human rights community arguing that they aim to damage the military that fought relentlessly against the PKK. By narrating or showing the images of the violence allegedly committed by the PKK or by addressing them as non-believers or as 'Armenians', they produced a political fantasy for their own consumption which plays a crucial role in rationalising state violence against the Kurds (Aretxaga, 2000). These narratives and images of the violence of the other create "a surplus of meaning" that generates "its own fantastic realism which justifies the organised copy of terrorism to combat terrorism" (Aretxaga, 2000).

When they admit atrocities, which are too obvious to deny, they deny their own responsibility as Ersever and Doğan did. They often shift the blame to the PKK, bad apples within the security units, and the Kurdish elements of the security and military units, that is, the PKK repentants and the village guards. Denyingthe victims, by calling them terrorists and traitors, was another strategy they employed to disavow the wrongfulness of their acts. The dominant leitmotif in their books or interviews is their arrogant display of omnipotence and blatant moral indifference in the face of the consequences of their acts and their masculine, militaristic pride and feeling of entitlement. As Payne (2008: 104) argues "heroic confessions provide the means to reinforce, maintain, and adjust the official story to sustain its dominance". Such confessions individualising the atrocities, putting the blame on rogue individuals or the PKK, justifying them in the name of national unity and security, mainly served to sustain the official and dominant version of the past, despite their appearance as challenging the state by speaking out.

[160] *Tevil* means interpretation in Arabic and *ikrar* refers to judicial confessions, which are regulated in the Legal Procedures Law No 1086. Court of Appeals judgments refer to *tevilli ikrar* or *tevil yoluyla ikrar* to refer to implicit, indirect or inferred confessions.

Remorseful confessions by Turkish state actors

Blaming the system: Hanefi Avcı

Hanefi Avcı is one of the most prominent state officials in Turkey who held key positions in the Security Directorate for over 30 years, working on counter-terror operations, and large-scale corruption and trafficking cases. He also worked in Kurdistan from 1984 to 1992. Known as a torturer among left-wing groups, Avcı has come to public prominence with his revelations to the Parliamentary Inquiry Commission on Susurluk on 5 February 1997 about the illegal activities of certain state officials during the war against the PKK.[161] He appeared before the Parliamentary Inquiry Commission on the Assassination of Uğur Mumcu, sent a letter to the Head of General Staff on the relations between some military officers and the mafia[162] and made further revelations during his court testimonies[163] and the TV programmes he attended. He was also known as the person who revealed a coup plot by the military against the government of the time.[164] Establishing his position as an honest and brave state official who would take risks to reveal dirty relations within the state, he then published a book titled *Haliç'te Yaşayan Simonlar*[165] which included Avcı's revelations and confessions on the wrongdoings of the state during the conflict with the PKK.[166] His book was advertised with the following statement: "Hanefi Avcı, the legendary member of the Police who proved himself to be a real lawman with his brave position during the Susurluk period is continuing telling the truth. He is revealing the secrets behind the recent events, only to fulfil his conscientious

[161] At that time Avcı was the Deputy Head of Intelligence at the General Directorate of Security. Avcı also appeared before the Parliamentary Inquiry Commission on the Assasination of Uğur Mumcu on 12 March 1997. See 'Susurluk sonrası', *Bianet*, 1 November 2011, retrieved from http://bianet.org/bianet/siyaset/5777-susurluk-sonrasi

[162] 'Hanefi Avcı ordunun isteğiyle görevden alınıyor', *Cumhuriyet*, 10 April 1997

[163] 'Avcı: Yeşil MİT tarafından kullanıldı', *Cumhuriyet*, 16 April 1998

[164] 'Ordudan bilgi sızdırıldı', *Cumhuriyet*, 8 July 1997

[165] It is an unusual title meaning 'Simons who live in Halic'. Avci uses the name Simon, the codename of a PKK militant that he knows, to refer to the people who conduct wrongdoings in the name of a higher ideology.

[166] His book is composed of two parts, the second of which is dedicated to the infiltration of the supporters of Fethullah Gülen in key positions in the military and the security units. In the section on state crimes, he also talks about the involvement of state officials in big scale corruption cases.

responsibility without shying away from who would be harmed".[167] Avcı's book has made a big impact and has been the bestselling book for a long time.[168]

Avcı's revelations before the parliamentary inquiry commissions and in his book had far-reaching effects, providing evidence in both the Susurluk and the Ergenekon trials. He faced investigations and prosecutions, yet not for his revelations on state violence but rather for breaking the code of silence. Following the publication of his book, he was even prosecuted for aiding and abetting armed left-wing groups including *Devrimci Karargah*[169] and the PKK. Although he was investigated for his role in the extrajudicial killings, the case against him was dismissed.[170] His revelations also had professional consequences, resulting in him being appointed to passive roles. But Avcı continues his frequent media appearances commenting on the current affairs, and writing books.

In a bid to explain why he decided to write, Avcı oscillated between remorse, self-praise and resentment. On the one hand, he said "I was involved in numerous incidents that I cannot even remember, I did many things. But I demolished some of these things, and I believe that they all need to be demolished. I will try to demolish some more with this book. I grew up believing in the right-wing ideology and moral values about homeland, state and nation… but in time, certain events that I witnessed made me question these transcendent values", on the other hand he said, "I then suddenly found myself downgrading from the position of police, state's security force, that is, from the position of the hunter to the position of an unwanted target, a hunt" (Avcı, 2010:4). Avcı described the transformation he had gone through that made him question his ideology in an almost formulaic way in his frequent media

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[167] See online book seller İdefix's page for Hanefi Avcı's book *Haliçte Yaşayan Simonlar* http://www.idefix.com/Kitap/Halicte-Yasayan-Simonlar/Hanefi-Avci/Arastirma-Tarih/Politika-Arastirma/Turkiye-Politika-/urunno=0000000341498

[168] According to the Forbes, Hanefi Avcı was among the three highest-paid authors in 2010. See 'Hanefi Avcı en çok kazanan yazar!', *Akşam*, 3 May 2011, retrieved from http://www.aksam.com.tr/amp/kultur-sanat/hanefi-avci-en-cok-kazanan-yazar--37474h/haber-37474

[169] Since Avcı's book reveals the extent of Gülen movement's influence in the judiciary, his prosecution was interpreted as a plot against him by the Gülenists within the judiciary. The other defendants in the Devrimci Karargah trial (Revolutionary Headquarters Organisation) have also expressed their anger over being prosecuted with their torturer. See, Yıldırım Türker, 'Kibar bir 12 Eylül üslubuyla basıldılar', *Radikal*, 4 October 2010, retrieved from http://www.radikal.com.tr/yazarlar/yildirim-turker/kibar-bir-12-eylul-uslubuyla-basildilar-1025235/

[170] Alican Uludag, 'Dosyada 'delil' yokmuş', *Cumhuriyet*, 12 January 2014, retrieved from http://www.cumhuriyet.com.tr/haber/turkiye/28611/Dosyada__delil__yokmus.html

appearances. Breaking points implying radical self-transformation are common in confessional narratives which help to make the transformation of the confessing subject appear more truthful (Terry, 2006; Payne, 2008; Docherty, 2012). After describing his loyal, patriotic service, Avcı described the radical break he had leading him to question his truths through a rather ordinary case. He explained that although he admired the devotion and commitment of the members of the radical left-wing organisations in Turkey who are ready to sacrifice anything for their beliefs, political views and ideals, he realised, through the example of a militant which he calls 'Simon', that they were not actually fighting for their beliefs, ideals and the rights of others, but for the truth imposed on them by their organisations. Having realised that they were not different in that sense, he said, "We were trying to conceal the crimes committed by our own members but was not showing any toleration against the crimes committed by citizens… Was not Susurluk the manifestation of this understanding?" He repeated this narrative in all his interviews, "I promised myself… I won't be like Simon. I will stand against anyone who does wrong, including my own side, my own friends. No matter how powerful they are and whatever it costs, I will stand against them" (Akçura, 2010:91).

Avcı confessed to resorting to unlawful methods to gather intelligence or to silence the opponents of the state, including by searching houses and detaining individuals without an arrest or search warrant, tapping telephones and pressurising judiciary (Avcı, 2010: 87). During his 17-year service in the counter-terror unit of Mersin Security Directorate, he was accused of numerous cases of torture of left-wing activists and members of armed left-wing groups. One case that he is directly associated with is the death in custody of Ali Uygur, head of *Dev-Yol* [Revolutionary Way] in Mersin.[171] However, although Avcı did not shy away from talking about beatings in detention, he presented a rather sterilised version of the interrogations he participated in. Distancing himself from the narrative, he explained the prevalence of torture as a systemic issue due to the institutional culture, inadequate training and intelligence gathering methods, without commenting on the grave consequences of torture on the victims. In response to a question by Ruşen Çakır, a journalist who was

[171] Yıldırım Türker, 'Hanefi Avcı'nın suçu ne?', *Radikal*, 4 October 2010, retrieved from http://www.radikal.com.tr/yazarlar/yildirim-turker/hanefi-avcinin-sucu-ne-1021987/

also tortured, about why he did not account for torture in his book despite its prevalence in his time, Avcı said "I cannot put everything in this book. I might write about it later. It is easy to accuse individuals on that topic, but torture was the only interrogation method until 1999… You cannot accuse me, this or that person. As soon as Turkey started the EU membership negotiation process in 1999, interrogation methods have developed, and we developed new crime investigation and evidence gathering methods. We are now at a very good stage. Today there is no torture in Turkey".[172] Defining torture as the 'open secret' of the time, he diffused responsibility. He said, "Everyone from police chiefs to prime ministers knew about this situation, but they were all acting as if it does not exist." Defying the possibility of prosecution for torture, Avcı said, "The biggest judgment is the one done in one's conscience".[173]

Acknowledging his personal failures and the wrongdoings of the security units, Avcı constructed his confessional narrative carefully in a way not to imply any individual legal responsibility. In that sense, his confession mainly functioned as an attempt to supplant legal guilt with moral guilt (Agamben, 1999). His meetings with some people that he tortured, which were reported on the TV and published in a magazine[174], despite his silence on these cases in his book and media interviews is an example of that. While it is difficult to know Avcı's motives for meeting his victims, his remorseful performance worked towards substitution of legal responsibility with moral guilt, only to be effaced soon after by shifting the blame on the system and the circumstances. In an interview, he said, "If the book is examined honestly and impartially, it would be seen that it does not target anyone. On the contrary, it criticises the wrongdoings in the security apparatus of the state and argues that they should be corrected".[175]

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[172] Mirgun Cabas and Ruşen Çakır, Yazı İşleri, Guest: Hanefi Avcı, *NTV*, 26 August 2010, retrieved from https://www.youtube.com/watch?v=-I95LZ_OR_g

[173] İsmail Saymaz, 'Hanefi Avcı: 28 Şubat'ta bile insanlar bu kadar susturulmadı', *Radikal*, 01 July 2014, retrieved from http://www.radikal.com.tr/politika/hanefi-avci-28-subatta-bile-insanlar-bu-kadar-susturulmadi-1199567/

[174] Şaban Dayanan, an activist who was tortured when he was only 12 years old, also met Avcı, which was published in Radikal newspaper. See 'İyice örgütlenmiş ve her şeye kararlı kimseler', Interview with Ahmet Şık, *Express*, 21 April 2011, retrieved from http://birdirbir.org/iyice-orgutlenmis-ve-her-seye-kararli-kimseler/

[175] Mirgun Cabas and Ruşen Çakır, *NTV*, 26 August 2010

Like torture, Avcı's narrative on the extrajudicial killings of left-wing militants that was attributed to him took a sterilised form. He referred to these cases in the context of successful police operations against dangerous radical armed groups threatening national security. He emphasised his role in developing the technical surveillance methods which led to the success of such police operations. One such case is the killing of five leading members of the Revolutionary People's Liberation Party/Front during a police operation in Istanbul in March 1993. Only two young children of Rıfat and Asiye Kasap, 11 months and five years old, survived the police operation. Although the police claimed that the five were killed following an armed clash, the forensic evidence which was supported by Ayhan Çarkın's confessions indicated that there was no armed clash and they were killed in close range with multiple gunshots. Although the police officers involved, including Çarkın, were prosecuted, they were all acquitted. This case features in Avcı's book as an example of advanced technical surveillance capacity in the security unit with no mention of the killings. Even though Avcı was the head of the operation, his involvement and the details of the killings are absent in his book. Constructing the case carefully to persuade the reader how dangerous the group was and slowly building up the tension, he says, "planning an operation is my job. That day I made all the calculations and the alternatives… The operation started during the day, and we had to enter the house by night. Late at night, the operation teams raided the house, and a clash erupted. Six people were captured dead… If the operation had not taken place, they were going to start their attacks and turn Istanbul into hell". In response to the widespread support to Avcı from the liberal sections of the society following his prosecution, the relative of one of the victims published a letter including the following statement: "I heard that you demanded justice for Hanefi Avcı. I know him. Avcı, who you describe as honest, and state that his detention hurts public conscience is the murderer of my sister. And the murderer of many others, and the torturer of some luckier ones".[176]

In his evidence before the Parliamentary Inquiry Commission on Susurluk, Avcı made substantial revelations about the illegal and extra-legal activities of the state

[176] Ertuğrul Mavioğlu, 'Tanıyorum, Avcı ablamın katili', *Radikal*, 7 October 2010, retrieved from http://www.radikal.com.tr/turkiye/taniyorum-avci-ablamin-katili-1022541/

during the war against the PKK, including the death squads within the state, composed of ultranationalist groups, mafia, and security and military officers. He stated that "Following the PKK's serious activities, some government officials started believing that the government had shortcomings in dealing with PKK members and PKK supporters through legal means. In order to overcome these weaknesses, it was felt that illegal approach had to be adopted and as a result, the JİTEM official Cem Ersever started operating in this manner" (TBMM, 1997; Beşe, 2006: 248). As part of these illegal activities, Avcı stated that special groups were formed within the Security, MIT and Gendarmerie to silence the supporters of the PKK, in particular, Kurdish businessmen who were allegedly providing financial support to the PKK. These groups later started undertaking illegal activities for their personal interests (TBMM, 1997: 169-170). Avcı (2010: 185) described Ersever, the commander of one such group, JİTEM, as a hardworking and dedicated military official committed to his duty wholeheartedly. Although he stated that he was against Ersever's methods, he described their relationship as 'friendly'. As part of their 'friendly' meetings, Ersever disclosed to Avcı how they secretly arrested and interrogated some members of illegal organisations and confiscated their arms. Moving from the use of personal pronouns to a passive voice, Avcı (2010: 192) said, "It was not possible to clarify the fate of the individuals interrogated, but it could be inferred". Rather than taking Ersever's revelations as reporting of a crime, he explained how he tried to convince Ersever to stop using such methods. "Cem was implying that all kinds of illegal methods should be used to fight against the PKK and that they cannot succeed in through normal ways and methods… I explained to him that these methods are not right. I explained that the reason why the PKK gained strength is these illegal acts" (Avcı, 2010: 193). Avcı argued that he refused to be a part of the mechanism that Ersever and others established, but he neither prevented the atrocities that took place in his duty area nor reported these crimes until the Susurluk scandal.

Avcı positions himself as an outsider regarding the crimes committed by JİTEM and as powerless before the state and the military. Despite the explicitness of JİTEM's atrocities, Avcı's narrative constructed them as puzzling cases, which he came to capture gradually. From the extrajudicial killings of Kurdish activists to Ersever's killing, Avcı argued that the investigation attempts of the Security Directorate were obstructed by the Gendarmerie, or in his words by the 'Centre'. The striking aspect of

Avcı's narrative is his silence on the fate of the hundreds of victims of JİTEM, in contrast to his detailed account of Ersever's killing. He said, "Major Cem was eliminated in the glare of publicity, and even though the murder is as plain as day and despite the evidence, this system could not arrest and bring to account its own murderer' (Akçura, 2010: 75). The reader is invited to question the justice system not necessarily through the killings of civilians but through the killing of a state official who himself organised the killings of civilians. Likewise, Avcı criticised the state for lying about the existence of JİTEM and stated that the official denial of JİTEM was a historic mistake which shook people's trust in the state (Avcı, 2010: 208; Akçura, 2010: 74).[177] Victims did not feature in Avcı's state-centred narrative.

Avcı's confessional narratives mostly addressed a vague 'system' as the perpetrator, although he was careful not to implicate 'the state' as such. In his 32. Gun interview, he said "It would be wrong to say it is the state. Because the state is a sacred entity, and it would not make such mistakes. But some individuals might have done them in the name of the state".[178] His book and his interviews are dominated by his criticisms of the system, particularly inadequacy, inefficiency and inability of the security and intelligence units in counter-terror operations. He argued that the education they received were not sufficient in endowing them with necessary skills to fight terrorism and they were not equipped to understand the ideologies, aims, actions of the left-wing groups. "Unfortunately, those who were on duty in the region, who were directly involved never really knew about these organisations, they did not want to understand them and were not willing to. Even today, we do not know and don't want to understand their goals, aims and why they engage in illegal acts. We rather brush over labelling them terrorists, anarchists and traitors" (Avcı, 2010: 96). According to Avcı, state-sponsored political violence arises from systemic issues and lack of rational solutions. By describing how prevalent such ideas are within the state institutions, including the security units, Avcı diffused responsibility. His distancing of himself from the narrative and positioning himself as an outsider are most visible when he expressed his shock on the silence and the complicity of people in the face of widespread killings. He said, "Turkey is a strange country. There are quite serious

[177] See Cüneyt Özdemir's interview with Hanefi Avcı at 5N1K, *CNN Türk*, 29 September 2010, retrieved from https://www.youtube.com/watch?v=mOpqY6RtY_4
[178] Mehmet Ali Birand, 32. Gün with Hanefi Avcı, 7 July 1997

crimes committed in a widespread manner, known by everyone including the state authorities. But everyone acts as if they don't know. For example, before the EU harmonisation process, all the state officials knew that torture was widespread in interrogation units, they would talk about it in the meetings without hesitation, but if you ask them they would all deny".

First diffusing responsibility, Avcı then effaced it, shifting the blame to the system defined by such deficiencies which he argued created people who obey the authority without questioning. He explained his own obedience blaming the circumstances: "My environment was compelling me to act in the same way. Despite knowing that it was wrong, I also had two big offices, two official cars, one VIP minibus for special guests, one car for my wife, a big official lodge, two servants, three drivers, two bodyguards and another servant at home… My equals had even more privileges. I was the most modest one. Had I reduced the privileges I had, I was fearing that they would think I am doing it to show off, to look like modest. I could decrease the number of my staff from 22 to 10". In his narrative the system is corrupt, creating corrupt individuals and those who stand against are powerless in the face of state power. His extensive narrative on the corrupt world of business and his successful operations against corrupt officials and smugglers appear as the mirror image of politics, strengthening his position as a brave state official who did his best to fight against a powerful and corrupt system. Like other confessional narratives I analysed, Avcı used personal pronouns only to refer to the successful operations he conducted or the acts of truth-telling he engaged in. He either used collective pronouns or switched to a passive voice when describing cases of political violence or cases of corruption that he was implicated in. Avcı's criticisms, thus, are not personal but about the 'system'.

Avcı's confessional performance has been the most successful one which helped him to position himself as a truthful state official who sacrificed his position and personal interests for the public good. He derived his authority from both his past 'self' that he denounced, and his new self, that he constructed through his confession. Through references to his past professional experiences and his former 'self', he argued that he knows very well the mentality of the right-wing people as he used to think in similar terms. "According to my understanding in the past, all the radical opposition should

have been eliminated, and I should have established the necessary mechanism for that. When I first started my job, I considered all the opponents of the regime, the state, the military or the police as malevolent foreign agents and traitors. They should have been given the worst punishment. Those who criticise the state should have been prevented and stopped" (Akçura, 2010: 52). He then described his transformation, "It is indeed not easy to realise at the end of 34 years that the values I sincerely believed in and for which I worked day and night without expecting any material benefit, were not the answer, they were indeed the source of all our problems. I suffered from the lethal effect of not being able to admit and confess this truth… I want to clean out the wrong and find the right path. Without any prejudice, without telling what is right and what is wrong" (Akçura, 2010: 53). The difficulty of accepting his mistakes added further to the authority of his confession.

Despite the extensive public attention Avcı's book and interviews received, his involvement in cases of political violence against the Kurdish and left-wing opposition, particularly cases of torture during the 1980s, has hardly been on the public agenda. Like the public responses to other confessions, it was instead the intricate relations within the state described in his book, in particular, the Gülen network within the state, which drew the attention of the public and the media. Only the victims of torture, human rights groups and some journalists challenged the silences in Avcı's book on torture and extrajudicial executions that took place during his time.[179] Avcı has been subject to several administrative investigations, and judicial prosecutions for his revelations both before and after the publication of his book[180], not for his role in the atrocities he confessed, but rather for revealing state secrets, making unauthorised statements, and for defaming the military. Head of General Staff Teoman Koman made a complaint against Avcı following his statements on JİTEM, but the case was dismissed. He continued his frequent media appearances to comment on the current affairs and wrote two other books. Avcı attached great importance on internal examination of conscience, which he argued of doing through writing, rather than engaging with official or legal mechanisms. The cases that he himself was involved as a perpetrator or a witness turned into potential themes for future books.

[179] For example, see Hikmet Cetinkaya, 'Ersever'den Avcı'ya', *Cumhuriyet*, 5 February 1998
[180] Avcı was prosecuted for revealing secret state information in February 1998. He was also prosecuted as part of Ergenekon and Revolutionary Headquarters Organisation trials.

He said "One can write several volumes of books on these illegal networks and acts. I might write about the general features of this in the future. I believe writing the Susurluk case is a duty for me".

The dominant leitmotif in Avcı's account is the denial of knowledge (Cohen, 2001) and blaming the system. Situating himself outside the illegal networks of the state, he only acknowledged partial knowledge of the events. In response to his responsibility about acting upon this partial knowledge, he then resorted to denial of agency by arguing that he was powerless before the state and speaking out before the Susurluk scandal would put his life at risk. His confessional account is full of bureaucratic and technical details about the technical intelligence system he established at the police, arguing that it was the lack of such intelligence gathering systems which led to torture. In this way, he transformed himself from torturer to saviour.[181] The logical sequences in his book linking the wrongdoings of the state to the deficiencies of the system due to inadequate intelligence gathering tools, lack of training for security officers and corruption within state institutions relinquish him of any responsibility. He disappears from the narrative, constructing the system as the main perpetrator and the rest as cogs in the machine. His references to widespread complicity in state institutions and obedience to authority turn his confession into a confession of collective guilt, reminding Arendt's comment that 'where all are guilty, no one is'.

Spirals of displeasure and despair: Ayhan Çarkın

Ayhan Çarkın is a former policeman at the Special Operations Police in Turkey, one of the security units at the centre of gross human rights violations. Dropping out of high school in 1985, Çarkın received training on special warfare by Korkut Eken, an infamous security officer who worked in the military, the security directorate and the intelligence departments on counter-terrorism operations against the PKK. Çarkın was first appointed to Diyarbakır, where he worked between 1986 and 1990 and was later assigned to İstanbul to continue to work on Kurdish political groups as well as other

[181] In their work on the torturers in Brazilian police, Huggins et al. (2002) argue that torturers, and those who politically, organisationally, and socially foster, support, and justify torture, have adopted discourse that argues for the value of police professionalism in reducing police atrocities. The claim that if you can professionalise police, they will not use inappropriate also serves to an understanding that those who torture are exceptions or bad apples.

radical left-wing groups. He took part in numerous armed operations targeting left-wing political activists. Although he was prosecuted and convicted for some of these armed raids, he was later acquitted by the Supreme Court of Appeals. Çarkın was also involved in operations against prominent Kurdish politicians and Kurdish businessmen who were allegedly providing financial support to the PKK.

Çarkın first came to public prominence following the Susurluk scandal in 1996. Before the scandal, he had been appointed as a bodyguard for the MP Sedat Bucak, one of the survivors of the Susurluk accident.[182] When Mesut Yılmaz, the head of the Motherland Party (ANAP) revealed a video cassette including Çarkın's confessions about the killing of the mafia leader Ömer Lütfü Topal, Çarkın found himself at the centre of the Susurluk scandal, as Topal's killing was closely linked to it. In these confessions, Çarkın told that the order to kill Topal was given by the head of Police and the information was available to the Interior Minister Mehmet Ağar and the Prime Minister Tansu Çiller's husband, Özer Çiller.[183] In response to a question during his interrogation "You killed Behçet, Savaş, Medet[184]; did you also kill Ömer?", Çarkın said, "Why would I deny that, while admitting others? Why wouldn't I admit that I killed Ömer? Is he more important than others? Yes, I killed the others, but not Ömer". He added, "You are the one who gave the order and now are you calling us to account for killing the PKK supporters that you ordered to be killed?"[185] But shortly after, Çarkın denied his confessions in a TV programme. Engaging in a performance of a loyal and patriotic police officer and exonerating the Special Operations Police from the claims made in the aftermath of Susurluk, Çarkın argued that they were turned into a scapegoat and dubbed the whole situation as 'conspiracy' against them.[186] Çarkın and other police officers involved were protected by the government of the time.[187] Although they were prosecuted as part of the Susurluk case for

[182] 'Susurluk örtbas edilir', *Cumhuriyet*, 16 November 1996
[183] An investigation was started against Çarkın and others involved in the case, and they were later suspended from duty, along with those who were accused of leaking the information to ANAP. See 'Susurluk çetesi yargı önünde', *Cumhuriyet*, 2 June 1997
[184] Behçet Cantürk, Savaş Buldan and Medet Serhat were among the Kurdish businessmen and politicians who were extrajudicially killed.
[185] See 'İpin ucu', Hikmet Çetinkaya, *Cumhuriyet*, 25 December 1995, p. 5
[186] 'Topal cinayeti zanlısı: Komplo kuruldu', *Cumhuriyet*, 29 December 1996, p.6
[187] Following the scandal, Prime Minister Tansu Çiller visited the Special Operations Police and told the police officers 'Devletin savunma refleksini yok etmeye çalışan hainlere siz baş eğdireceksiniz". See 'Çiller özel timi kışkırtıyor', *Cumhuriyet*, 29 December 1996, p. 5

‘forming an armed organisation to commit a crime’ and ‘not reporting and handing over wanted criminals to the authorities’, the case remained symbolic and Çarkın was released shortly after his imprisonment.[188]

In another media interview, he gave after he was released in 2002,[189] Çarkın continued his partial confessions concurrently glorifying and denying state violence. These statements are not yet remorseful but could be interpreted as a reaction by a former policeman who is angry with his prosecution and who feels victimised by certain factions within the state. He described himself as a good and loyal state official, not a hitman, and emphasised that the armed operations he took part in during which he killed people were authorised by the state. Careful about not criticising the state as such and justifying his acts as part of counter-terrorism operations, Çarkın positioned himself as a good police officer, who never questioned the orders to kill due to his loyalty to and trust in the state: “I could not be a good husband, a good father, even a good human being… But I became a very good policeman. I was awarded 300 or 350 certificates of achievement by the state. I was even given one when I was released from prison”.

Çarkın’s initial confessions, oscillating between denial and acknowledgement, mainly functioned as a warning to his superiors who he sought protection from. They can be defined as heroic confessions, as Çarkın is boasting about his role in the Special Operations and threatening others with a mafiatic masculine manner. His statements during a TV programme he attended, such as “I am a radical”, “Being a member of the special team is a lifestyle”, “You cannot take my gun when you want, the second you attempt, I kill five of you” are examples to his masculinist discourse. Although Çarkın disappeared from the public eye for a while, a few years later in 2008, he appeared in a series of TV shows to talk about the relations between the Susurluk scandal and the Ergenekon trial. Continuing to justify his acts in the name of counter-terrorism, he argued how certain factions of the state have deceived them and the public and made personal benefits from the war. In a prominent TV show, he

[188] Çarkın was also being prosecuted for other crimes such as the killing of 5 people in Perpa. See ‘Perpa Davası Sonuçlandı’, *Cumhuriyet*, 22 December 1999
[189] See Arman, A. (2002), ‘Devlet bizi dagdan indirmeyecekti, *Hürriyet*, 9 February 2002, retrieved from http://webarsiv.hurriyet.com.tr/2002/02/09/86860.asp

responded to a question about how many operations he took part in as follows "Not 100, not 200. It is a complicated struggle… I might have killed more than 1.000 people as part of counter-terrorism operations".[190]

Çarkın appeared before the public eye again in March 2011, this time with remorseful and more consequential confessions. He attended the Newroz celebrations in Istanbul, which is a traditional spring festival celebrated in the Middle East including the Kurds. Kurdish Newroz celebrations have been highly politicised in Turkey as they were occasions for Kurds to demand their social, cultural and political rights and they were brutally repressed by the security forces. The one in Istanbul in 2011 was without any violent incident, which is partly due to the 'democratic opening process' to resolve the Kurdish question. When Çarkın was noticed in Taksim Square with his family, a journalist from Radikal newspaper interviewed him, during which he made important confessions about the extrajudicial executions of prominent Kurdish activists and businessmen in the 1990s. When he was asked why he is confessing now, Çarkın said "I went to Nevruz with my wife, my children and my friends. I went there as a Turk and as a 'murderer'. I went to the platform and asked them to allow me to talk. What makes me speak now is my conscience. I want to free myself from the darkness inside me. I am calling on my colleagues. You should also come out and tell what you know. We have to speak out".[191] In other interviews, he said his internal questioning started after he saw the pictures of the three victims he knows during a protest by Saturday Mothers, an initiative formed by the relatives of the forcibly disappeared.[192]

In these confessions, Çarkın talked about the extrajudicial executions of left-wing activists in Istanbul, the abduction and the killing of the Kurdish businessmen, who were allegedly providing financial support to the PKK and other forms of state violence in Kurdistan. He said, "I was part of the first Special Operations team

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[190] 'Bir Katilin Portresi: Ayhan Çarkın', *Bianet*, 22 October 2008, retrieved from http://www.bianet.org/bianet/siyaset/110390-bir-katilin-portresi-ayhan-carkin

[191] 'Çarkın'dan tarihi çark: Ben iki Abdullah sevdim' [Historic turn from Carkin: I loved two Abdullahs], *Radikal* 22 March 2011, retrieved from http://www.radikal.com.tr/turkiye/carkindan-tarihi-cark-ben-iki-abdullah-sevdim-1043705/

[192] The only public demonstration following the confessions was that of the Saturday Mothers', who have been gathering in central Istanbul on Saturdays since 1995 to demand justice for those who have been 'disappeared' and killed during the 1990s.

composed of 320 people sent to the Southeast in 1986. I stayed in the region until 1990. We were all covered with blood. Terrible things were done to those people. When we were in a village, we saw that an officer is beating a man naked in the middle of the village in front of children. What kind of mentality is this to beat a Kurd naked claiming that he supports the PKK. They cannot be the soldiers of Ataturk. This is not what counter-terrorism is; it is a betrayal. I saw that warplanes were used against this people, artilleries, tanks, mines were used. This fire will burn us all. We made them eat shit. We pulled out their nails, we banned their language. We did this… We need to apologise from Kurds. Now there are mass graves everywhere. Either call them terrorists or guerrilla. These mass graves are this country's disgrace."

On the same day with the above interview, Çarkın appeared in a prominent TV show 5N1K[193], where he stated that the Kurdish businessmen were killed with the authorisation of the state. As I discussed in the previous chapter, the killings followed the Prime Minister Tansu Çiller's statement that they have a list of Kurdish businessmen who help the PKK and that they will be held to account. Çarkın confirmed that the killings took place in the order of the list that the PM had and that the decision was taken by the National Security Council. He pointed out specifically the Prime Minister Tansu Çiller, the Interior Minister Mehmet Ağar and the Head of Special Operations Team İbrahim Şahin. Arguing that everyone is aware of what has happened in the 1990s, he called for the state to set up a truth commission where he will confess to everything he did or witnessed. He said, "If a truth commission is formed as Öcalan suggested, I swear on my honour and my life that I will go and tell everything. I swear that I will give the names of all who betrayed this country. But others should also come to that commission. Mehmet Ağar, İbrahim Şahin and others should also be there".[194]

Çarkın's revelations continued after he was detained as part of the investigation into the extrajudicial killings of Kurdish businessmen and politicians during the 1990s.

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[193] 'Ayhan Çarkın'dan yine bomba açıklamalar', *5N1K*, 22 March 2011, retrieved from http://www.cnnturk.com/video/turkiye/2011/03/22/ayhan.carkindan.yine.bomba.aciklamalar/311101.451731/index.html

[194] Dinçer Gökçe and Enis Tayman, 'Çarkın'dan tarihi çark: Ben iki Abdullah sevdim', *Radikal*, 22 March 2011, retrieved from http://www.radikal.com.tr/turkiye/carkindan-tarihi-cark-ben-iki-abdullah-sevdim-1043705/

During his statement before the Prosecutor and in his interviews while in prison, he gave specific information about the killings of several young left-wing university students, families of whom join the Saturday Mothers protests every Saturday in central Istanbul. He stated that Hüsamettin Yaman ve Soner Gül were executed by the Special Operations Police and that MİT knew about the killings. "We were told that Hüsamettin and Soner were police murderers. We arrested them and put them at the back of a lorry. We stacked them with tape and interrogated them in a forest. They were then executed there. They did not step back for a second. Before they were killed, they shouted, 'Humanity will beat torture". My son is now at the same age with them. I cry whenever I think of them. These people were all introduced to us as murderers of the police". Çarkın also confessed about the killing of Ayhan Efeoğlu, a student in Istanbul University. He said "Ayhan Efeoğlu had been killed during the interrogation and was handed over to us. We used to destroy explosives at that time, and I thought the package included explosives. When we opened it, we saw that there is a man in it. When I saw his photo in a Saturday Mothers demonstration, I realised that the person who we had buried is that person. I was in ruins. I watched the Saturday Mothers' demonstrations from afar. They were carrying the photos of the people that we killed. This ruined me".

Çarkın's confessions appeared in all newspapers of the time and have been subject to extensive debates on the TV. They also led to criminal investigations into the 16 cases of extrajudicial killings including the Kurdish businessmen, known as JİTEM Ankara trial, and into the killing of the left-wing students. Although Çarkın and several other Special Operations police officers were arrested, and senior officials and politicians that Çarkın has mentioned have been called by the Prosecutor to give evidence, all of the defendants were later released by the court. Çarkın, who was the only person remained in prison, was also released in July 2014 due to lack of 'concrete evidence'. Hüseyin Aygün, the MP who met Çarkın in prison presented the report of his meeting to the Parliamentary Human Rights Commission and held a press conference. Although the trial process, media attention and the MP's meeting with Çarkın have initially created a positive atmosphere, the public reaction to the confessions has rather been limited and short-lived. Unlike cases like Argentina[195], Çarkın's

[195] For example, see Adolfo Scilingo case in Payne (2008) and Lazzara (2016a, 2016b).

confessions have not scandalised the country and did not arouse a strong public response. There has not been any visible demand for a full account of the past, and no public demonstrations to demand truth and justice for the past violations. It was only several politicians including Aygün, the human rights groups and the relatives of the victims, including Saturday Mothers, who actively demanded the state to take a step in relation to the confessions.[196] While for some including Aygün, Çarkın's confessions were sincere[197], for others such as Pervin Buldan, whose husband was killed by Çarkın, what mattered was the information that Çarkın gave that could extend the scope of the investigation to include the power groups behind the killings, such as the Prime Minister, Interior Minister, Head of Security, State of Emergency Governor of the time. [198] The state officials dismissed Çarkın's confessions as statements of an opportunist and insane man, while some preferred to keep silent. As it happened in other contexts like Chile (Payne, 2008: 285), they tried to denigrate Çarkın as an opportunist, liar, or crazy.

Çarkın's initial confessions, hesitant and ambivalent, and those in 2011 and 2014, remorseful and detailed, show significant differences, which partly depend on the political atmosphere. While in 2002, Susurluk scandal was covered, and none of the high-ranking state officials was prosecuted, in 2011, the resolution of the Kurdish conflict was on the public agenda, and the military officials who were involved in the atrocities against Kurds were prosecuted as part of the Ergenekon trial, albeit for different reasons. In his initial interviews, he appeared like a proud and patriotic police officer, who successfully fulfilled his duties under the command of his superiors. But in 2011 and 2014 he appeared remorseful, acknowledging his wrongdoings in the past and apologising for what he has done. Regardless of whether

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[196] 'Ayhan Çarkın itiraflarıyla kaybolan vicdanını arıyor, *Habertürk*, 2 January 2012, retrieved from http://www.haberturk.com/yasam/haber/702365-ayhan-carkin-itiraflariyla-kaybolan-vicdanini-ariyor Hüseyin Aygün, the MP who met Çarkın, also joined one of their demonstrations in December 2011. See 'Ayhan Çarkın'ın itirafları Cumartesi Anneleri'ne ulaştı', *Radikal*, 1 January 2012, retrieved from http://www.radikal.com.tr/turkiye/ayhan_carkinin_itiraflari_cumartesi_annelerine_ulasti-1074176

[197] Hüseyin Aygün's press conference was republished in all papers. For the video, see http://www.dailymotion.com/video/xnblli_sincan-f-ti-pi-cezaevi-nde-ayhan-carkin-ile-gorusen-aygun-tbmm-de-bir-basin-toplantisi-duzenledi_news

[198] 'Failler Mechul Degil', *Bianet*, 13 September 2011, retrieved from http://bianet.org/bianet/insan-haklari/132684-failler-mechul-degil; 'Ayhan'ı Öldürdünüz Ali'ye Ne Yaptınız?', *Bianet*, 17 September 2011, retrieved from http://bianet.org/bianet/toplum/132783-ayhan-i-oldurdunuz-ali-ye-ne-yaptiniz; ''Tarık Ümit, Savaş Buldan'dan aldığı para yüzünden öldürüldü'', *Star Gazete*, 26 December 2011, retrieved from http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=1&ArsivAnaID=65856

he is sincere or not, he tried to overcome his negative public image by presenting himself as conscientious, morally upright person and as ready to pay for what he has done. While he admitted wrongdoing, he presented himself as reformed and aiming to help to reveal the truth. The timing of his remorseful confessions, which is after he attended Newroz celebrations with his family, also supported his self-positioning as reformed and in solidarity with the Kurds. His occasional religious references, particularly about the examination of conscience in the other world before the God, similarly appeared as proofs of his transformation.

But immediately after acknowledging his guilt, Çarkın declared himself innocent and told how they were cheated by their superiors in the name of patriotism, national security and counter-terrorism. He asked, "Would the state lie to its citizens, its police officers? Would the state use and deceive its own civil servants? Would the state involve in drug trafficking using its own civil servants?" Arguing that all the crimes they committed were conducted in the knowledge of the state officials, he says, "If I made a mistake, I am ready to pay for this. But the murderer is the one who gave the order. I am disgusted with all these." Çarkın's readiness to pay the price comes with a condition, that is the punishment of his superiors. "The orders were carried out, and those who gave the orders stepped aside. Now everyone is afraid of talking". Similar to other perpetrators' confessions (Payne, 2008), Çarkın also resorted to self-victimising narratives, stating that lots of people like him faced injustice and they continue suffering because they are confessing. He normalised the crimes he committed saying that "None of us are innocent" and added, "Telling the truth is always gain. We might make mistakes, we might do wrongs, this is in the genetics of the human beings. We might be victims of our feelings and our ambitions". Besides sharing and objectifying the guilt, the act of truth-telling turns into an act that would undo the confessed act. He said, "someone who would put himself in prison for no reason must have either lost his mind or must have an aim. My aim is to uncover all that happened." He declared "it is time to settle the accounts".

One of the most dominant aspects of Çarkın's confessions is his masculine way of speaking. Besides his depiction of the difficulty of his job, his loyalty to the state, obedience to his superiors and his successes in a masculine way, even telling the truth without any fear appears as a manly behaviour. He positioned himself as a brave man

who patriotically fought for the state, and now stands against those who deceived him in the name of the state. Calling for others to tell the truth 'like a man', Çarkın positioned himself as a truth-teller and argued that his sole aim is to unveil the truth and contribute to justice. His confessions came across as if he was doing a favour that needed to be met with gratitude. Despite his emphasis on his remorse, regret and sorrows due to the killings he committed and the nightmares he is having, Çarkın kept stating that they were betrayed by their superiors. Arguing that Susurluk accident was the breaking point for him when he understood that they were betrayed[199], he said "I will surprise them all who deny these cases when I face them in the court'.[200] Confession turns into a tool of revenge against who cheated and betrayed him.

Çarkın's series of confessions starting with denial, continuing with partial acknowledgement and ending with remorse have been marked with spirals of displeasure and despair. His confessions neither resulted in forgiveness on the side of the victims nor provided a closure or a psychic relief for Çarkın. As he confessed out of his declared shame and guilt, his confession produced more shame and guilt, resulting in more confessions and perpetual spirals of displeasure and despair (Taylor, 2008:105). This is visible in Çarkın's frequent confessions, his restless and hysterical behaviour during his confessional performances. He speaks with visible anxiety and anger, he cannot sit still, he is hyperactive. Like his narrative, his body gestures complicate his message. Remorse, anger over betrayal and the silence and indifference of his superiors, righteousness and helplessness all intertwine. He wants to talk all the time, but every new word he utters does not necessarily give us new information, but rather effaces what he said before. Çarkın's case is one of the best examples showing how confession does not necessarily bring catharsis but puts one in a cycle of shame and guilt. It is also a strong performance showing how the confessing subject effaces himself and his act during the speech-act of confession by simultaneously avowing and disavowing guilt and responsibility.

[199] Dinçer Gökçe and Enis Tayman, 'Çarkın'dan tarihi çark: Ben iki Abdullah sevdim', *Radikal*, 22 March 2011, retrieved from http://www.radikal.com.tr/turkiye/carkindan-tarihi-cark-ben-iki-abdullah-sevdim-1043705/

[200] 'Ayhan Çarkın: Büyükelçilerimizi derin devlet öldürdü', *Taraf*, 26 March 2011

Conclusion

This chapter aimed to identify the rhetorical and performative strategies that Turkish state actors employed in their confessional accounts, with a view to understanding how they produced the truth of their acts and their subject positions. High-ranking military officials including Ersever and Doğan engaged in simultaneous denial and glorification of violence in their confessional performances. Positioning themselves as entitled and self-righteous, they bluntly explained and justified their acts resorting to discourses of national security. While they presented their acts of violence as heroic and necessary committed in the name of national security and counter-terrorism, they positioned themselves as the saviours of the country. Considering that their narratives reflect the dominant official discourse in Turkey, such confessional accounts were not necessarily received as 'confessions', but rather as personal accounts regarding the conflict.

Amidst the culture of confession created by these glorifying narratives of state violence, remorseful confessional performances have been rare. It was mostly lower-ranking officers who engaged in remorseful performances. Avcı's narrative, which included remorseful elements, constitutes a unique case in this picture. There were also lower-ranking officers such as conscript soldiers, who chose to give an account of the acts they committed or witnessed through other mechanisms, including giving testimony in the courts or the parliamentary inquiry commissions.[201] The narratives of those who chose to engage in a public confession presented a complex picture of truth and subject production. In Avcı's confessions, acknowledgement of guilt and responsibility were intertwined with the effacement of guilt by shifting the blame to the system and the institutional culture. Reducing his legal guilt to moral guilt, he positioned himself as an honest state official who considered it as his responsibility to

[201] For the examples of court cases in which conscript soldiers gave testimony, see 'Bir Tabur Askerin İfadesi Alınacak', *Radikal*, 5 March 2013, retrieved from http://www.radikal.com.tr/turkiye/bir-tabur-askerin-ifadesi-alinacak-1123955/; 'General Mete Sayar ve askerlerin yargılanacağı 'Görümlü katliamı' davası yarın başlıyor, *T24*, 4 November 2013, retrieved from http://t24.com.tr/haber/general-mete-sayar-ve-askerlerin-yargilanacagi-gorumlu-davasi-yarin-basliyor,243256; 'Faili meçhul davasında bir tanık daha', *Evrensel*, 11 December 2014, retrieved from https://www.evrensel.net/haber/99600/faili-mechul-davasinda-bir-tanik-daha . Retired Sergeant Huseyin Oğuz, gave evidence in the Parliamentary Inquiry Commission on Susurluk regarding the extra-legal acts committed by the military officials. See TBMM, 1997

speak out, while at the same time denying any agency to act upon the crimes that he had witnessed in the past. Çarkın's confessions have constituted a spiral, starting with denial and ending with remorse. His performance defined with feelings of anger, betrayal, revenge, remorse and regret manifested the dynamics of his simultaneous avowal and disavowal of the acts he confessed. While acknowledging his guilt, he claimed to be deceived by his superiors.

The state actors discussed above resorted to different techniques ranging from the denial of knowledge of atrocities and the victims, as in the cases of heroic confessional performances, to the denial of agency, intent, autonomy or choice as in the cases of Avcı and Çarkın. Through narratives of self-excuse, self-justification, self-victimisation, narratives naturalising and objectifying the wrongdoing and guilt, narratives of self-transformation, they sought to redefine their acts and subjectivities in a way that would disavow their guilt and responsibility.

CHAPTER 5: *SAD TALES:* PUBLIC CONFESSIONS OF PKK *REPENTANTS*

Introduction

In this chapter, I will provide an analysis of the confessional performances of PKK repentants working for JİTEM, namely Kahraman Bilgiç, Murat Demir, Murat İpek and Abdülkadir Aygan. PKK repentants are all Kurdish and former PKK members who started working for the Turkish military upon their capture or surrender. As I described in the third chapter, the PKK repentants who worked as the hitmen and torturers of JİTEM's death squads have been used by the state to deny and individualise the killings, disappearances, abductions and extortions, as people to put the blame on. The statements of the state officials, including the confessions of Ersever and Doğan, have all pointed at PKK repentants as the main perpetrators of the crimes that were attributed to JİTEM. In all JİTEM trials, PKK repentants and the village guards have either been the first or the only defendants to be imprisoned, albeit for short periods. Their dispensability for the state has been one of the reasons behind their visible feelings of betrayal and revenge, along with their declared remorse and regret for the crimes they committed. Furthermore, PKK repentants are all Kurdish by ethnicity. The use of Kurdish collaborators to commit atrocities against the Kurds constituted further symbolic violence, as they enabled the state to both individualise the crimes and present them as arising from personal disputes. The fact that they were Kurdish, on the other hand, hindered their confessional performances in the eyes of the Turkish public, as their accounts have been deemed unreliable from the beginning. In what follows, I will describe the main rhetorical strategies employed in the confessional narratives of Bilgiç, Demir, İpek and Aygan in separate sections, and then will analyse the dominant leitmotifs in their confessions at the end of the chapter. An overall and comparative analysis of their confessional performances will be made in the next chapter.

Kahraman Bilgiç

Kahraman Bilgiç, a former PKK militant, surrendered to the Turkish military in 1994. Unlike other PKK repentants, he was not prosecuted and did not benefit from the Repentance Law. He started working with the military unofficially. He was later declared dead following an operation and was given a fake ID card as a military Captain named Cengiz. Bilgiç came to be known to the wider public with the case of *Yüksekova Çetesi* [Yüksekova Gang], a group of high-ranking military officials, Special Operations police, village guards, PKK repentants and politicians who were responsible for abductions, enforced disappearances, political killings and torture in Hakkari, a Kurdish town near the Iraqi border. Among the main activities of the group were extorting money in PKK's name, and abductions to collect ransoms, besides drugs and arms trafficking. As one of its key members, it was Bilgiç himself who revealed the illegal and extra-legal activities of the group, following his arrest in 1996 in relation to the abduction of Necip Baskın, a local Kurdish man in Hakkari.[202] He confessed both the abduction of Baskın and other activities of the gang to his interrogators, one of whom was Sergeant Hüseyin Oğuz, who had a key position in making Bilgiç's confessions public.[203] Despite the threats from his superiors due to the involvement of high-ranking military officials in the case, Oğuz shared Bilgiç's covered-up statement with the court and with the Parliamentary inquiry commission on Susurluk.[204] Thanks to Bilgiç's initial confessions and the testimonies of the

[202] Necip Baskın was abducted by a group of Special Forces police, village guards and PKK repentants. Bilgiç confessed the abduction plan to the battalion commander after he confronted the Baskin family who saw Bilgiç among the group who abducted Necip Baskın. See TBMM, 1997

[203] Bilgiç's initial revelations came after the abduction and killing of Abdullah Canan in Hakkari, the nephew of Republican People's Party (CHP) MP Esat Canan. Esat Canan and two other CHP parliamentarians met Bilgiç during their inquiry into Canan's killing. These initial revelations were not intended as confessions but rather as threats to levy a ransom from Esat Canan. Following the inquiry, Canan called for the investigation of the military officials who had conducted a raid into Abdullah Canan's village and publicly threatened him after initiating a lawsuit against him. See Human Rights Watch World Report, Events of 1996 (HRW, 1997: 243). Also see Esat Canan's evidence to the Parliamentary Inquiry Commission on Susurluk on 5 December 1997.

[204] When the involvement of Colonel Hamdi Poyraz and Major Mehmet Emin Yurdakul in the gang came to light during Bilgiç's confessions, Oğuz and other investigators were instructed to cut the investigation short. When Oğuz insisted on proceeding, he was removed from the investigation and, Bilgiç was threatened to change his statement. His confessions to Oğuz were replaced with a shorter statement only relating to the Necip Baskın case. Yet, Sergeant Oğuz, who was threatened and detained, kept a record of Bilgiç's initial confessions, which he later shared with the court prosecuting the Yuksekova gang and the parliamentary inquiry commission. See Çiçek, 2009; Açan and Yediğ, 2002; Duvaklı, 2010.

witnesses, *Yüksekova Çetesi* was brought before the court for the first time in 1996.[205] However, although the defendants were all convicted during the first and the second trials, the Court of Appeals overturned the decision and the third trial resulted in the acquittal of all the defendants except Bilgiç. As the only arrested and convicted member of the 'gang', Bilgiç remained in prison for eight years and was released in 2005.[206] Yurdakul and other state officials, although imprisoned for a brief period at the beginning of the trial, have never been brought to justice.

Bilgiç wrote his confessions in prison as an untitled 213-page memoir and sent them to his lawyer for publication, but they have never been published. Some sections of the book have been circulated in the media in 2005 and were republished in some books written on PKK repentants.[207] In addition to his confessions in the book, Bilgiç gave evidence in several trials on forced disappearances. Hüseyin Oğuz, the sergeant who interrogated Bilgiç, and Esat Canan, one of the opposition MPs who investigated the case also gave statements in the court and in the Parliamentary Inquiry Commission on Susurluk. One of the reasons why Bilgiç's confessions were widely publicised at the time is because they coincided with the Susurluk scandal. *Yüksekova Çetesi* trial started shortly after the Susurluk accident following which there has been increased attention by the media and the public on relations between the state, mafia and far-right groups.[208]

Bilgiç started his confessions by describing the period of his early youth that gradually led the way to his participation in the PKK. What dominated his narrative is his disadvantaged and challenging life in Kurdistan in the late 1980s due to the conflict, repressive policies of the state, forced displacement of his family and other Kurdish villagers as well as discrimination and exclusion he faced by the wider Turkish society. He cited being undermined and bullied in Istanbul where he went to

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[205] 'Yüksekova Çetesi'ne 553 yıl isteniyor' [553 years prison sentence demanded for Yüksekova Gang], *Sabah*, 11 March 1997, retrieved from http://arsiv.sabah.com.tr/1997/03/11/f22.html

[206] 'Yüksekova çetesi aklandı' [Yüksekova Gang was acquitted], *NTV*, 24 November 2005, retrieved from http://arsiv.ntv.com.tr/news/350854.asp

[207] Bilgiç's confessions were published in Çiçek (2009), Duvaklı (2010) and Açan and Yediğ (2002), Çiçek's book including the longest excerpts.

[208] Shortly after Bilgiç's confessions to Oğuz in relation to the abduction of Necip Baskın, the case appeared in all newspapers as the 'Üniformalı Çete' [The Gang in Uniform] which raids villages, abducts people and extorts money in the name of the PKK (See *Hurriyet*, 27 September 1996; *Cumhuriyet*, 28 September 1996).

find a job, and his meeting with other displaced Kurdish families as other reasons for his gradual inclination towards Kurdish political groups. He said, "My inner quest and lack of any solution to the conflict were preparing the ground for me getting closer to all kinds of legal or illegal groups. During that period, I met people who were working for HEP [People's Labor Party] and other political groups… I was more and more drawn to them each passing day" (Çiçek, 2009: 41). The reasons behind his participation in the PKK are not described as ideological but rather reactionary; arising from exclusion, repression, resentment, anger, search for an identity, innocent youthful feelings and PKK's and the Kurdish political party's propaganda activities. His confessional performance positions him as an innocent young man who is in search of an identity and a solution against the injustice facing him, his family and people like them. "I was feeling increasingly sympathetic towards the PKK. What is the PKK, what is its aim, what does it want to do? There were lots of unanswered questions in my mind. I was neither able to get full answers nor people were giving satisfying answers to my enquiries. Their vague answers to the questions in my mind were both confusing me and increasing my curiosity" (Çiçek, 2009: 45).

With his 'adventurous' and 'revolutionary' feelings, Bilgiç joined the PKK. Following his increasing disillusionment with the organisation, as they were not 'fighting for the people', he explained the paradox he faced before he split from the PKK and collaborated the state as follows: "When I started thinking about leaving the organisation, it was the biggest paradox I had in my life. Because I regarded it as the biggest cowardice and betrayal to the people that one could do" (Çiçek, 2009: 70) and he added "If I did not do what they asked for, they would kill me. They were going to make me talk under torture and even if I talked, they were going to kill me after using me (…) How could I take refuge in something that I defined as the enemy?" (Çiçek, 2009:75). This selfless narrative with frequent emphases on the 'people' gets complicated when he says it was the 'gracious and reassuring attitude' of the general that he met after escaping from the PKK and his promises of a reduced sentence and a good life if he confessed and collaborated with the state that changed his strong opinions against collaborating with the Turkish state (Çiçek, 2009: 77, 103). In stark contrast with his earlier views on collaboration as a 'betrayal to his people' and his feeling of guilt, he narrated in detail the successful operations he took part in, which helped him to get closer to his commanders. "I was one of their experienced men

from now on. This meant that they did not have to hide anything from me. They were not only going to develop operation strategies with me but also reveal their secrets to me" (Çiçek, 2009: 87).

Like in his narrative about how he joined the PKK, Bilgiç explained his involvement in the *Yüksekova Çetesi* through his gradually developing friendly relationship with the battalion commander and his close circles, composed of the local bureaucracy in Hakkari and the heads of village guards. "We used to travel to Van town centre for entertainment. It was my first encounter with such a lifestyle. I also got used to it in time. I was not aware of the transformation I had been going through" (Çiçek, 2009: 97). His account of the formation of the *Yüksekova Çetesi* includes a long analysis of the decadence of a human being who acts egoistically. His motivations in joining the gang are narrated as general weaknesses of human beings, helping him to share the guilt with both his fellow officers and the wider society. "The majority [of the Turkish military officers working in Kurdistan] were thinking in these lines: We came here, we are experiencing all these difficulties, we should get something in return… The mentality was 'Everyone is doing this'" (Çiçek, 2009:87-88). Having generalised and normalised their illegal acts, he then constructed his participation as a necessity, divorcing himself of any agency: "I accepted. I should never have forgotten that I am an *itirafçı*. They could easily get rid of me. I was already announced dead during an operation. They would kill me with no trace, and no one would even search for me" (Çiçek, 2009: 100; Açan &Yediğ, 2002: 48).

In his confessional memoir and his court statements, Bilgiç gave specific information on several forced disappearance and extrajudicial killing cases. With regards to the killing of Naif Demir, a pro-government Kurdish man in Hakkari, due to a financial disagreement with the battalion commander, he said "one evening he [Naif Demir] went to the battalion and insisted on getting his money back from the lieutenant and the sergeant, the lieutenant got very angry and wanted to kill him, it was such a time that killing a man was no different than killing a sheep… That evening the lieutenant and the sergeant bowstringed Naif Demir silently at a corner… After killing him, they took his body with a Shoreland armoured car to the Zap River. This incident had a big impact on me. They were acting as if this was a normal thing to do. He was killed just for 750 million liras [750TL]. But his father was killed by the PKK, and they were on

the side of the state. Who knows how many people were killed like that, who knows how many people were made to disappear with the help of the chaos in the region" (Açan &Yediğ, 2002: 49).

Yet, being part of the state's killing machine in Hakkari, Bilgiç knew very well that many people were killed and disappeared in broad daylight often in the presence of eyewitnesses. One such case that Bilgiç confessed is the abduction and the killing of Abdullah Canan, the cousin of the Kurdish MP Esat Canan, which was widely publicised by the media. Abdullah Canan was detained in January 1996 by a group of soldiers under the command of Major Yurdakul, who had threatened Canan due to his legal complaint about a military raid into their village and the destruction of their belongings. Canan's tortured body, with his hands tied behind and his mouth taped, was found by the motorway near Yüksekova on 21 February 1996. Although Bilgiç was involved in Canan's disappearance and killing, in his memoir, he talked about the incident assuming no responsibility: "When I went to see the major, I realised that he had arrested Abdullah Canan. Despite my insistence, they did not release him… I understood that he [Major Yurdakul] was determined to kill him as he was an insensitive person who could easily kill people" (Çiçek, 2009: 106). Later in his court statement, he confessed that he took ransom from the family and they killed Canan following Major Yurdakul's order. Like in other cases, the trial resulted in the acquittal of the defendants after which the family took the case to the ECHR.[209] What was missing from Bilgiç's narrative, however, was not only his complicity or his extortion of money from the family but also the cruel torture that Canan had suffered.

Revenge acts by the military on the Kurdish villagers were frequent during the 1990s when the conflict was at its height. Bilgiç narrated two such cases. One of them is the severe beating and killing of 12 Kurdish men in a village in front of their families following a clash with the PKK resulting in the death of 12 soldiers. This was not only an act of revenge but also a cover-up as they presented the villagers as PKK guerrillas killed during the clash. While Bilgiç narrated this case as an outsider, using the pronoun 'they', he also mentioned how the soldiers were upset but powerless in

[209] Vahap Canan, 'Abdullah Canan'ın katledilişinin 20. Yıldönümü', *Baris icin Aktivite*, 16 January 2016, retrieved from http://barisicinaktivite.com/abdullah-cananin-katledilisinin-20-yildonumu/

the face of the orders from their commander, "Although some soldiers were inwardly revolting against it and felt pity for the screaming women, they were just foot soldiers, what could they do?… With the instruction of the commander, they executed 12 villagers driven out of the village by shooting" (Çiçek, 2009: 93). Naim Geylani, an MP, took the case to the Parliament in 1998. Despite the testimonies of the women of the village, a conscript soldier and a sergeant in the battalion confirming Bilgiç's confessions, the Parliament responded to Geylani's inquiry claiming that it was the PKK who committed the act and that such allegations aim to demoralise the Turkish Armed Forces.[210]

Bilgiç gave details of another revenge attack in which a group of soldiers under the command of Major Mehmet Emin Yurdakul attacked local Kurdish men in Agaçlı village on 27 October 1995, following a clash with the PKK that left a number of soldiers dead. He explained, "They gathered all the villagers in the village square and started beating the men in front of the women and the children. This scene had a huge effect on me. It reminded me what the soldiers would do in our villages when I was a child. This time I was with the soldiers. But I was still as sensitive as I was at that time... As the years passed, the scenes I encountered created a heavy burden on me… I was watching them silently. Any small act that I would do was the end of my life too… I took to the mountains because of the sufferings of my own people. I left them because they were of no use to them. But this time I was over against my people" (Çiçek, 2009: 103, Duvaklı, 2010: 241). This case is one of the disappearance cases that the Saturday Mothers and other human rights groups have been campaigning about. After the villagers were convened in the village square on the commander's orders, 73-year-old Şemsettin Yurtseven, 18-year-old Mikdat Özeken and 13-year-old Münür Sarıtaş were singled out and taken away in a military vehicle by the soldiers. Yurtsever died after being severely beaten by Yurdakul, and the other two were killed reportedly for having witnessed the killing, their bodies were burned and later thrown into a garbage dump.[211] Although Bilgiç told this case without taking responsibility, a

[210] 'Katliamı Meclis gerçekleştirdi', *Timeturk*, 21 July 2009, retrieved from http://www.timeturk.com/tr/2009/07/21/katliami-meclis-gerceklestirdi.html
[211] See Yurtseven and others and Turkey, ECHR, retrieved from http://echr.ketse.com/doc/31730.96-en-20021114/view/#02000001

conscript soldier later stated that Bilgiç was among those who killed them.[212] On 13 June 1997, Hakkari prosecutor started an investigation into the case but in November 1999 the case was dismissed by the court due to insufficient evidence. In his court statements, Bilgiç first admitted to having killed them, and later withdrew his statement. Hacı Sabri Yurtseven, Abdülkerim Yurtseven's son said "we could not make the state acknowledge that my father was taken by the soldiers despite the witness statements and Bilgiç's confessions". The family lost their appeal at the Court of Appeals and they took the case to the ECHR.[213]

In his confessions, Bilgiç accused 'the state officials who abused their authority', for both mistreating people and for 'using' him. He said, "Just like the organisation [PKK], which says it is all 'for the people' but was instead tormenting people, some state officials were saying it is 'for state security' but was threatening security with their authority" (Çiçek, 2009: 111). Bilgiç presented his confessions both to the interrogator and in his memoir as a transformative experience. Positioning himself as transformed and redeemed, he said, "I consider myself as matured, because I comprehended my experiences. Even if I was dragged along from one place to another within the circles I got involved, I can say that my experiences educated me. There is one thing I know very well: that I am not going to stay as the dirty witness of the dirty war… One should not abstain from acknowledging wrongdoing. In this way, he could show that he is more mature and wiser than yesterday… Perhaps I am starting a confession campaign… We should be able to engage in self-criticism. We should be able to confess to ourselves… The wrongdoing confessed is half fixed" (Çiçek, 2009: 118-119). Bilgiç disappeared from the public eye after he was released, while the cases that he confessed to, remained unaccounted for and the perpetrators continued enjoying impunity.

[212] A conscript soldier in Yüksekova Command Battalion told that Yurtseven was killed after being severely beaten and Özeken and Sarıtaş were killed by Bilgiç and another military officer. See 'Öldürdüklerini Kabul Edip Beraat Ettiler', *Bianet*, 21 October 2017, retrieved from https://m.bianet.org/bianet/insan-haklari/190815-oldurduklerini-kabul-edip-beraat-ettiler

[213] 'Yüksekova'da kayıp yakınları Özeken'in akıbetini sordu', *Dicle Haber*, 2 August 2014, retrieved from http://www.diclehaber.com/tr/news/content/view/413340?from=3969113102

Murat Demir & Murat İpek

Murat Demir and Murat İpek were arrested on charges of PKK membership and imprisoned in the 'Repentants Ward' of Diyarbakır Prison in 1989 and 1992 respectively. Confessing and benefitting from the Repentance Law, they were released shortly after their imprisonment and started working for JİTEM. Although they were provided with fake identity cards, Demir and İpek worked for JİTEM unofficially. They came to public prominence in 1997 when they made confessions to the media and appeared in several TV shows, following *Aktüel* magazine's interview with the MP Mustafa Bayram about the threats he received from JİTEM.[214] In the next few weeks, Demir and İpek gave interviews to almost all media outlets and appeared in several flagship TV shows, including 32. Gün, Objektif and Prizma. They also gave evidence to the Parliamentary Inquiry Commission on the Assassination of Uğur Mumcu. Owing to the public debate sparked by the Susurluk scandal and the subsequent parliamentary inquiry, their confessions were initially received with awe, and there was widespread media coverage. Despite the severe allegations in their confessions involving top state officials, no investigation was launched into the cases of forced disappearances, political killings, abductions, drugs and arms trafficking they confessed.[215] Soon after their confessions, Demir and İpek were prosecuted not for the atrocities they confessed but for defaming and deriding the state security forces.[216] They were put in Metris Prison where İbrahim Şahin, one of the state officials they accused and some other ultranationalist right-wing prisoners were imprisoned as part of the Susurluk trial.[217] Following their release, they withdrew

[214] According to the narratives of Demir and İpek, since JİTEM was not happy about Demir's revelations, they sent his best friend Murat İpek to kill him. But when İpek found Demir, Demir convinced him that they were used by the JİTEM and were thrown away after having done all the dirty work for them. They later started giving interviews together.

[215] The fact that they were neither detained, interrogated nor prosecuted was criticised by the Kurdish political party HADEP and the human rights groups. See 'İtirafçılar Yargılansın', *Cumhuriyet*, 14 February 1997.

[216] The only investigation that was opened against the state officials involved was the Head if Security in Denizli and some police officers, who Demir and İpek argued to have instructed them to open fire to Denizli News (Deha TV). Following his confessions appeared in the media on 13 February 1997, Head of Police in Denizli and the police officers mentioned were suspended from duty but they were later found not guilty (Duvaklı, 2010:162).

[217] Although it was decided Demir and İpek to be sent to Umraniye prison, they were instead put in Metris prison where the people they accused were staying. See, Aydın Engin, 'Taşları bağla, itleri sal', *Cumhuriyet*, 27 May 1997. Yurdatapan, the journalist that interviewed the duo said "Murat Demir and

their confessions claiming that they were forced by the PKK and the journalists who interviewed them to make those statements and that they were seeking media attention and financial gain out of their confessions.[218] This led to the prosecution of the journalists for threatening them to make confessions.[219] Istanbul Head of Security Ramazan Er announced that "Demir and İpek confessed that their statements to the Uğur Mumcu inquiry commission and their accusations against state officials were all lies".[220] Following their release, they both disappeared from the public eye, and silence ensued.[221]

Unlike other PKK repentants, the confessions of Demir and İpek were only in the form of media interviews. Thus, their narratives were largely shaped by the editorial concerns of the newspapers and the political views of the journalists that interviewed them. The interviews published in the left-wing and liberal newspapers focused on the cases they revealed rather than the psychology or biography of the repentants. Interviews which appeard on mainstream TV shows, on the other hand, were covered in a sensationalist manner, mainly focusing on the prominent cases such as the assassination of the journalist Ugur Mumcu and the Susurluk scandal as well as their private lives as PKK repentants. Cumhuriyet newspaper's listing for the *32. Gün* episode featuring Demir and İpek, for example, is as follows: "This episode on PKK repentants will investigate how they have turned into bloody murderers. Cüneyt Özdemir will meet the 'new heroes' of the underground scenes in Istanbul and Diyarbakır… Demir and İpek will unearth all the unknown aspects of PKK repentants

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Murat İpek are in Metris prison among the right-wing prisoners, İbrahim Şahin and the police officers who were arrested for being part of the gangs within the state. They are being tortured there. I am not surprised that they accused me in their statement before the police". See 'Sivil örgütler güven oyu verdi', *Cumhuriyet*, 12 July 1997.

[218] 'Şanar Yurdatapan gözaltında', *Milliyet*, 18 April 1997, p. 21

[219] The journalists including Şanar Yurdatapan, Temel Demirer, Kadir Konuksever, Ahmet Sümbül and Zeynal Bağır were prosecuted for threatening Demir and Ipek to make confessions and for aiding and abetting the PKK. They were later released due to insufficient evidence (HRW, 1999). Yurdatapan, a musician, a human rights activist, and a member of the Barış için Bir Araya initiative faced additional charges as he was arrested at the airport upon his return from Germany with two fake passports for Demir and İpek. Demir and Ipek were arrested in his house. He said "It is true that I protected Murat Demir and Murat İpek. Everyone should have heard what they told me. I recorded their statements and sent it to everywhere, including the Susurluk commission. The witness statements of these two people are very important. So, I tried to prevent the silencing attempts". See 'Yurdatapan'a 4 gün sorgu', *Cumhuriyet*, 19 April 1997.

[220] 'Uğur Mumcu itirafları yalan', *Hürriyet*, 22 April 1997

[221] Shortly after they were released, a short news article reported that Murat Demir was arrested in İzmir following an attempt to extort money. See 'İtirafçı Demir silahla yakalandı', *Cumhuriyet*, 10 October 1997.

from their private lives to the secret operations they have participated in".[222] The listing on the episode of *Objektif* featuring Demir and İpek illustrates the lack of judicial accountability: "Murat İpek, who revealed the names behind the hundreds of forced disappearances and killings in the Kurdish Region, will uncover tonight the countries that transfer drugs from the Southeast [Turkey], the high-ranking state officials who gave orders to kill, the list of businesspeople who were abducted, interrogated and levied a ransom on, and how the ransom collected was shared".[223] Similar to the fantastic image of the state that Demir and İpek produced in their confessions as an impenetrable and intricate entity, the mainstream media coverage presented these revelations as if they are fantastic stories, rather than as grave atrocities committed in Turkey.

Demir and İpek confessed to many cases of torture, abductions, forced disappearances and political killings, as well as drug and arms trafficking by the military in Kurdistan and other criminal acts such as manipulating the elections. Both in the evidence they presented to the Parliamentary Inquiry Commission on the Assassination of Uğur Mumcu and in their media interviews, they gave extensive and concrete details including the names of the high-ranking state officials involved. The cases they confessed included both those they were directly involved in, such as the killings of Musa Anter and Vedat Aydın[224] and the killing of four teachers in Diyarbakır[225], as well as the acts committed by other members of their teams, including the assassination of Uğur Mumcu and the killings of several high-ranking military officials, Eşref Bitlis, Bahtiyar Aydın and Rıdvan Özden, who were known to be critical of JİTEM.[226] Their readiness and visible willingness to 'confess' could be interpreted as partly due to their expressed feelings of being used and betrayed by the

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[222] '32. Gün'ün ilk dosyası PKK'li itirafçılara ayrıldı', *Cumhuriyet*, 10 March 1997

[223] See 'Objektif', *Milliyet*, 13 February 1997, p. 24. Milliyet announced the episode of the TV show Prizma featuring Demir and İpek with the title of 'Confessions of a Hitman'. See *Milliyet*, 26 February 1997, p. 28

[224] Vedat Aydın, a respected politician in Diyarbakır was kidnapped, tortured and killed by JİTEM and his body was found two days after his forced disappearance. During Aydın's funeral, which was attended by thousands of people, security officers opened fire killing several people and wounding hundreds. Many people who participated in his funeral including local and international journalists, MPs and others were beaten and detained. Immediately after Aydın's body was found, Ministry of Interior made a press statement alleging that those who detained Aydın were not security officers.

[225] Although the PKK was held responsible for the killings, İpek told that he was among the team who killed the teachers. See ibid

[226] 'Tomris Özden'den sok iddia' [Shocking allegation by Tomris Özden], *Milliyet*, 6 March 1997,

state, which is visible in their remarks such as, "Before they waste us, let us waste them" or "They will kill us anyway, better tell everything to the media".[227] Similar to the betrayal confessions that Payne (2008: 251-278) analysed, they often do not only confess their own crimes but unravel systematic nature of violence all the way to the top of the chain of command. Addressing the role of the top state officials in political violence, and the drug and arms trafficking in the region including the Prime Minister Çiller, her husband Özer Çiller, the Head of Intelligence Mehmet Eymür, the Interior Minister Ağar[228], İpek said, "I met Özer Çiller the year before. During a reception at Saint Joseph High School. I was introduced to him as 'one of the young men who is dealing with our affairs in the Southeast'".[229]

In addition to their readiness to confess, the confidence of Demir and İpek in describing the killings they were involved is the most visible aspect of their confessions. In response to a question on how many people he killed, İpek says "I did not keep a count of how many people I killed but I pulled the trigger so many times".[230] Among the numerous cases of torture they confessed was the case of Bişeng Anık, a 16-year-old Kurdish girl, who was detained after the Newroz celebrations in Şırnak. In his confessions to the *Demokrasi* newspaper, İpek said that she was heavily tortured and killed afterwards.[231] Although he did not hesitate in confessing that he was the one who pulled the trigger to kill her 'with one shot', he switched to the personal pronoun 'they' when describing the acts of torture. "They gave me this job to test me. Bişeng Anık's house is in front of the mosque. We took her with the undercover police officers. They tortured her at the police station. They used a razor or something like that to cut her at her back and under her feet… They gave me a G-3 gun, and I killed her with one single bullet on her head".[232] Anık was reported to have committed suicide a day after she was detained, although her body

[227] Aydın Engin, 'Murat Demir ve Murat İpek anlatıyor: Sorunumuz para şöhret değil', *Cumhuriyet*, 19 April 1997
[228] See 'Çetenin başı Özer Çiller', *Cumhuriyet*, 10 February 1997. Demir and İpek gave the names of who gave orders that Mumcu's killer, a man called Velit Hüseyin, used to work for the National Intelligence Service and they saw him together with senior state officials including the Prime Minister Tansu Çiller and the Interior Minister Mehmet Ağar. See Mete Belovacıklı, 'Bombacı, Çiller'in yanındaydı', *Milliyet*, 30 March 1997
[229] Hikmet Çetinkaya, 'Çatlı'dan Çiller'e', *Cumhuriyet*, 11 February 1997, p. 5
[230] M. Şanlı Ekin, 'Toplu mezarlar var', *Özgür Politika*, 12 February 1997
[231] 'İtirafçı Murat İpek devletin işlediği cinayetleri anlattı: Öğretmenleri devlet öldürdü', *Özgür Politika*, 11 February 1997
[232] Ibid.

was full of torture marks (Whitman, 1993). Although they mostly narrated the 'interrogations' they participated in a sterilised form, they also confessed to having tortured. Demir, for example, said "I had a friend called Salman. I persuaded him too, and we both became repentants. He knew more than what I knew. When he did not talk, it was for me to make him open up". He explained how he came to prominence by making people talk during interrogations, "They would call us Jön Türkler [Young Turks]. We would interrogate the new repentants in the ward and would make them give information that even the police could not obtain. We extracted a lot of information through torture" (Açan and Yediğ, 2002: 62-63).

In addition to the atrocities in Kurdistan, Demir and İpek confessed the state's involvement in the bloody Mayday events in 1996 in Istanbul in their *32. Gün* interview. While the media reported that violence erupted in the protests, Demir and İpek told that it was planned by the security units and the protesters were killed by snipers. These statements were later confirmed by Hanefi Avcı, the Deputy Head of Police Intelligence, who appeared in the same TV programme in July 1997. Demir said, "My duty was to infiltrate into the organisations, provoke them to commit illegal acts and agitate the public. During the disturbances, some of the targets were going to be eliminated. I had friendly relationships with some of the organisations. I infiltrated into the MLKP [Marxist-Leninist Communist Party] for example. But since I had sympathy for them, I decided to infiltrate into TDKP [Revolutionary Communist Party of Turkey]". Once they provoked violence during the Mayday protests, the snipers started killing their targets. İpek explained, "Our job was just to shoot at the targets. The decision was already taken" (Duvaklı, 2010: 153-154). Three young people were killed during the rally, dozens were injured, many were detained and tortured, and one person died of torture after being released.

In all their interviews, there was a stark contrast between their acting and the content of their confessions. Burying their head between their shoulders, they both look like two poor fellows regretful and remorseful for what they have done. But this performance of humility is often cut with their brazenness in describing the details of the acts they committed and the smirk of pride regarding their role in JİTEM. Despite the gravity of the acts they confessed, they were not able to hide their pleasure when talking about their close relationships with the high ranked military officials. Demir

proudly said, “General Hikmet Köksal used to send me postcards when I was in prison”. Explaining his daily routine, İpek said, “We would start the interrogations in the morning and continue till midnight. When we were free, we would go to coffeehouses. I would not go with the lower ranking officers. I would either go alone or with a higher-ranking official, the police chief or the superintendent. I would have tea and walk around”. When a journalist asks if they are making confessions for material benefits, İpek responded, “If we tell you the places that we entertained ourselves, dined, drank and hanged out, those people who say such things cannot even enter those places. We don’t need anyone’s money”.[233]

Besides assuming an active agency position regarding the killings they committed, Demir and İpek also made references to the orders they did not obey because of their feelings of empathy. İpek, for example, explained that he did not kill the head of Denizli HADEP [People’s Democracy Party], “I aimed at him, I took shooting. The door opened, a girl came out. However bad we are, we would not kill a dad before the eyes of his child”.[234] Yet, the agency they claimed when they did not go ahead with the act and the orders immediately disappears in the other cases they confessed. Then blaming their superiors and their personal circumstances they argue that they did not even have the right to think. “It was those people who made us do these things. We were pawns… Excuse me, but we were like donkeys. Wherever they pulled our halter, we were going that way. We did not have the right to think, right to speak, right to ask questions. Someone will be killed, but who is he, what has he done… You have to do it, and that’s all. In that way, we were turned into death machines”, said Demir.[235] They portray a fragmented personality, their real selves who are decent human beings believing in justice, and their JİTEM selves who have to obey whatever order they receive. Demir said, “They created such a contradictory personality. For example, I was tortured for six days, my friend was tortured for eight days. Once I started working for them, they made me torture others. They were trying to create a contradictory personality, a person who does not respect or love anyone. And they

[233] Aydın Engin, ‘Murat Demir ve Murat İpek anlatıyor: Sorunumuz para şöhret değil’, *Cumhuriyet*, 19 April 1997
[234] Bülent Öztürk’s interview with Murat Demir and Murat İpek, *Emek*, 18 February 1997
[235] Şanar Yurdatapan’s video interview with Murat Demir and Murat İpek which was circulated to the media in February-March 1997.

achieved that".[236] The ambivalence in their subject position is further strengthened with their references to the complicity of the state officials working in Kurdistan, including the judges and the prosecutors. In İpek's words, "The prosecutor, the judge, the governor they are all aides. No one can do anything". Yet then they added, they would threaten the judges or the prosecutors who pursued investigations against them.

When explaining the reasons for their confessions, Demir and İpek oscillated between feelings of guilt and revenge. As in other confessions, their performances and positioning varied according to the reactions of the audiences. When they were received with interest by the media and the public, they were determined to continue, and this determination eroded with the disappearing interest and increasing risks. Demir said "Some people say that we are talking to become famous. They don't think that we also have a conscience. I want to ease my conscience… If I am talking now, I am putting my family and myself at risk. I don't need being famous".[237] This time with more emphasis on his conscience he went on: "I was doing torture, and was crying afterwards at home. Sometimes my hands would shake. I started smoking weed, using heroin, drinking alcohol to forget it all. Just to distance myself from all these. In the end, six months ago, I stopped. I started questioning myself. I thought "Rather than brightening Turkey's future, I am taking it into darkness'".[238] In another interview, they expressed their motivations to confess first as resentment for not being rewarded for what they have done, then as their wish to contribute to truth and justice, and then as only to pour out their feelings. İpek said, "We were involved in these incidents, and yet led us nowhere. We got nothing in return. The instigators all got somewhere. My manager Necati was appointed as a traffic branch director. He has been rewarded. There are some people who killed some journalists, they got high positions. Ali Soysal was a superintendent. After doing all that dirty work, he became the head of branch. I mean if they are promoting them, let us be promoted too… We don't want promotion. We don't want money. We just wish to express ourselves. Not what the state did, but what the high-ranking state officials did…".[239]

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[236] Ibid.
[237] Ibid.
[238] Aydın Engin, 'PKK itirafçılığından özel tim itirafçılığına', *Cumhuriyet*, 20 April 1997
[239] Murat İpek's interview on DEHA TV which was published on Emek newspaper. See Davut Tekeli, *Emek*, 18 February 1997

Their expressions of remorse often came with a condition. Although they both expressed their regret for what they have done and their readiness to go to prison, this was on the condition that those who gave them orders will also be prosecuted. İpek said "We are ready to be punished. They can sentence us to a hundred years. But the justice system must work fully. If I am getting hundred years, those who gave the orders should get the same. If hundreds will go to prison, I don't mind being imprisoned. But we are afraid. There is not a functioning state in Turkey. So we don't want to go to prison for nothing... This would be like torture for us. The state will not protect us".[240] They both emphasised both in this interview and in others that they would be ready to face prosecution if other state officials involved would also be prosecuted, "We are guilty, but so are the ones who instigated us".[241]

Demir and İpek have also constructed their narratives as interventions contributing to truth and justice for past atrocities. When asked about their future in an interview, Demir said, "We cannot expect such a future after all that. Only if Turkey cleans itself out, follows the rule of law, and if people close their eyes to what we did, and forgive us... For me, it does not matter whether I am forgiven before the law. Only if the people forgive and embrace us and say "My dear son, you have also had a hand in the bright future of this country". Yet, their confessions, let alone contributing to a clean society, did not lead to a single prosecution. The reactions of the state officials to their confessions have mainly been silence or denial. While they did not make any explanations on the cases of forced disappearances and killings in Kurdistan, their rare statements about the case of Ugur Mumcu mainly aimed to refute the confessions.[242] They sought to undermine Demir and İpek labelling them as liars seeking personal benefit. Besides the apparent contradictions in their expressed feelings, Demir and İpek's withdrawal of their confessions shortly after they were released from prison and their accusations against the journalists who interviewed them also contributed to the quick dismissal of their confessions.

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[240] Ibid.
[241] Hikmet Çetinkaya, 'İki Murat', *Cumhuriyet*, 18 Subat 1997, p.5
[242] National Intelligence undersecretary Sönmez Köksal stated that they have no intelligence information on Mumcu's killing and that statements of Demir and Ipek should not be taken into account and that they are investigating who is guiding these two men (See 'Köksal Komisyonu tatmin etmedi', Cumhuriyet, 3 April 1997). Regarding his alleged killer Velit Hüseyin, Ministry of Justice stated that Velit Hüseyin was deported yet it was revealed later that he died on 2nd of March 1998 in Silopi. While some argued the cause of death was epilepsy, some others argued he was poisoned (Duvaklı, 2010: 170; also see 'Velit Hüseyin'i askerler ölü buldu', Cumhuriyet, 4 April 1998).

Abdülkadir Aygan

Abdülkadir Aygan is the most well-known PKK repentant owing to his frequent media appearances over a long period of time and significant consequences of his confessions.[243] He revealed crucial information on the structure and functioning of JİTEM and gave factual evidence about dozens of cases. A former PKK militant, Aygan surrendered to the Turkish military in 1985 and started working for JİTEM in 1990. Having benefitted from the Repentance Law, he was recruited as a 'civil servant' in the military, and given a new identity card under the name of Aziz Turan. His active employment with JİTEM ended in 2000 when he was appointed to a passive post in the Burdur Provincial Regimental Command. He left this position following the case concerning the torturing of villagers for livestock theft, in which he was one of the defendants. Feeling abandoned by the state, having lost his employment rights, struggling with financial difficulties and having nowhere to go, Aygan made lengthy confessions to the *Ülkede Özgür Gündem* newspaper in March 2004 in exchange for getting help to flee to Europe.

Besides his personal circumstances, the unilateral ceasefire the PKK declared in 1999 which lasted until the end of 2004 has been crucial in facilitating Aygan's confessions. Although there had not been any significant developments in terms of the resolution of the conflict, these years have been relatively stable due to the lack of clashes and the government's discourse on its commitment to resolve the Kurdish question. Aygan's 2004 confessions were made into a book by Şahan and Balık, the journalists who interviewed him. Yet, except the book and the reports of a handful of columnists and reporters, the mainstream media largely chose not to cover the issue.[244] This was followed by the criminalisation of Aygan's confessions, with the

[243] For another scholarly article about Aygan, see Biner (2006). Biner discusses the Reinstatement into Society Law introduced in 2003 which offered amnesty or reduction in sentence for the members of illegal organisations in exchange for becoming a 'repentant'. She analyses the narratives and imagination surrounding the subject of repentance through the example of the official narratives on victims and perpetrators of terrorism and counter-discourses.

[244] Perihan Mağden, 'Adaletin Bu mu TC?, *Radikal*, 10 March 2004; Can Dündar, 'Fazla Fişiniz Var mı?, *Milliyet*, 13 March 2004; "Jitem itirafçısının anlattıklarına böyle durup bakacak mıyız?, *Yeni Şafak*, 16 March 2004; 'Jitem'i belgeleyen bordrolar, *Evrensel*, 27 April 2004; Yıldız Polat, Jitem'cinin itirafları incelemeye alınmalıdır, *Evrensel*, 10 May 2004; Mehmet Altan, Çıglık, *Gazetemnet*, 15 March 2004

prosecution of the newspaper that published the confessions and the journalists that interviewed Aygan.[245] When the body of Murat Aslan, who was forcibly disappeared in 1992, was found in the village Aygan had mentioned, there has been a renewed interest in his confessions.[246] In 2005, a judicial investigation was launched against Aygan for ill-treating and killing eight persons.[247] Aygan's reappearance in the mainstream media with more extensive coverage and wider circulation was after the Ergenekon trial in 2007 and the arrest of high-ranking military officials associated with JİTEM. He was featured in several books and appeared on prime-time TV shows, print media and documentaries. Whilst the human rights groups and the pro-opposition media mostly focused on the concrete revelations that Aygan made in relation to the killings, forced disappearances and other acts of JİTEM, the mainstream media was more interested in Aygan's biography, his criticisms of the PKK and the intricate relations within the state.

Aygan started his confessions with a detailed trajectory of his childhood, his early political activities and how and why he joined the PKK. Emphasising his success at school, both as a student and as an athlete, he presented his involvement in left-wing movements and in the PKK as an inevitable consequence of the political conditions of the time. "At that time, clashes between the left and the right had started in our school and the surrounding schools, as it had everywhere else across Turkey. Polarisation was spreading fast. You were either going to become a rightist or leftist. There was no peace for those in between… Even as I tried to avoid becoming part of this polarisation, they did not allow me not to" (Çiçek, 2009b: 46). According to his narrative, the first event that made him join the PKK was when he was shot and

[245] See 'Cinayetler Suç Değil mi?', *Bianet*, 7 February 2005

[246] While it was published as the headline in Radikal with the title of 'Acı bir Susurluk Öyküsü' (*Radikal*, 3 February 2005), other three newspapers covered it as a short article. See 'On yıl önce kaçırılan oğlunun kemiklerini buldu', *Hürriyet*, 3 February 2005; Özgür Cebe, 'Jitem'e infaz suçlaması, *Milliyet*, 3 February 2005; Mithat Nebi, 'Jitem'ciden tüyler ürperten itiraflar', *Zaman*, 5 February 2005, http://www.zorlakaybetmeler.org/download.php?id=HAH/doc/564 ;

[247] An ECHR case 'Osmanoğlu and Turkey' reveals the government's reasoning for the initial lack of judicial response to Aygan's confessions as "the allegations had been abstract and unsubstantiated". This was despite the concrete details Aygan gave in relation to the killing and the location of the body. Besides as the ECHR stated "a decision not to carry out an investigation into those allegations on the ground that they were "unsubstantiated" reveals an illogical decision-making process, as allegations cannot be found to be unsubstantiated unless they are investigated first." caselaw.echr.globe24h.com/0/0/turkey/2008/01/24/case-of-osmanoglu-v-turkey-84667-48804-99.shtml

wounded by an ultranationalist group while putting up posters.[248] Despite his involvement in the PKK for several years, he trivialised his activism as an act of revenge and as an innocent urge to help the Kurdish people. "I was almost killed by a group of ultranationalists, so-called fascists. I hated them, and I wanted to take revenge" (Çiçek, 2009b: 49). While he narrated his pre-PKK years with an emphasis on his brave and self-sacrificing personality, he positioned himself in a rather passive way and as an outsider with regards to his activities within the PKK.

Aygan gradually constructed his disillusionment with the PKK with references to minor internal disagreements and his disapproval of the acts of some higher-ranking members.[249] Arguing that his decision to break off the PKK and surrender to the state was due to his conscience, he said, "What I did was to throw myself into the fire or to commit suicide in order not to take the wrong path and to prevent the killing of innocent people. Either I was going to stay within the PKK and was going to murder children and women, or I was going to endure all kinds of acts of the state that I have been fighting against. In the situation I was in, I did not have a third choice" (Çiçek, 2009a: 185; Çiçek, 2009b: 98). Although his decision to make confessions appeared as a willful act, he justified his 10-year work with JİTEM arguing that he would be killed by the PKK if he left. "I was a 'former terrorist' according to the state and an 'agent, traitor and repentant' according to the PKK. If I tried to stay with my relatives, even my brother would not be able to protect me because of the fear of the organisation. Only those who share the same fate with me can understand this reality" (Çiçek, 2009b:123).

Aygan appeared remorseful and regretful in his confessions, with his occasional sobbing, weary looks and lapses of silence, which further strengthened his performance. When he was asked the reasons for his confessions, he referred both to his conscience and to his betrayal by the military. Despite the apparent conflict between these two reasons, he often used both arguments together, like other PKK

[248] Dilek Yaraş, 'Abdülkadir Aygan: Ha PKK ha JİTEM, *Haber Ajanda*, October 2012, p. 97, retrieved from http://cdn.haberajanda.com.tr/contents/files/dergiler/Kasim2012/files/assets/basic-html/page42.html

[249] Neşe Düzel, Pazartesi Konuşmaları: JİTEM itirafçısı Abdülkadir Aygan anlatıyor, *Taraf*, 29 January 2009, retrieved from https://bianet.org/bianet/siyaset/112200-aygan-olmedi-hastaneden-alip-yine-infaz-ettik

repentants. “One’s past does not leave him in peace. Although I have been in a peaceful place for these last three years, every day what I have done with JİTEM haunts me in my dreams… One needs to examine his conscience… I am calling upon all the repentants. A fault confessed is half redressed. Continuing with it is not logical. It is not humane. I have experienced all these. Repentants are thrown away by the state after a certain point. They are discarded after being used” (Çiçek, 2009a: 176-177).

Having received extensive exposure and received asylum in Sweden, Aygan added his ‘search for truth’ to the reasons and his motivations for confessing. In a 2012 interview, he said, “I set off to defend the rights of the oppressed when I joined the PKK. I discovered that we were deceived, the organisation did not serve to the needs of the oppressed but that of the oppressors, and then I split. When I took office in JİTEM, I thought that I would fight against those who encroach the rights of the oppressed. But in time I understood that there is no difference between the PKK and JİTEM. Although seemingly opposite, they were serving the same cause… I do not expect any personal benefit from my revelations. I hope the future generations would learn a lesson. I want my people who follow the PKK to see the truth. I want the state to review its wrongful policies, past and present”.[250] Starting his confessions in a more apologetic and remorseful way, in time Aygan became more vocal in his criticism of the PKK, equating it with JİTEM and situating himself as the truth-teller revealing the mistakes of both organisations. Emphasising that he did not have to speak out but did despite the risks, he defined his confessions as a duty of conscience.

Aygan’s confessions concerned killings, forced disappearances, bomb attacks against individuals and organisations as well as arms and drug trafficking by the military. He gave specific information about 30 forced disappearance cases, providing details on how they were killed and where their bodies are. His diary, seen by the journalists who interviewed him, included a list of individuals targeted by JİTEM, with their detailed personal information. Aygan also revealed the names of military officials, PKK repentants, local informants and village guards working for JİTEM and higher-

[250] Dilek Yaraş, *Haber Ajanda*, October 2012, p. 106

ranking state officials who were directly involved. Describing the JİTEM unit he used to work in, he said, “the empty rooms at the end of the corridor were divided into smaller rooms and turned into smaller cells. People who were illegally arrested and abducted were held in these cells. They would be left with no water and food for days and would be subject to the most brutal forms of torture. It was impossible to get out of this place alive” (Çiçek, 2009b: 146). He explained how people who were deemed to be supporting the PKK would be tortured, killed and then buried somewhere outside the town or thrown into *Hazar* Lake or *Dicle* River (Çiçek, 2009b: 147).

Like other PKK repentants, in his confessions, Aygan often referred to torture as ‘interrogation’ and narrated the cases of torture and killings he was involved in, using a sterilised language. He further diffused responsibility by arguing that all JİTEM officers had to do torture: “all the personnel in the interrogation room would have to join torture in one way or another… Regardless of their main duty, the main principle there is that everyone there should ‘be a partner in crime’. The personnel who refuse to use torture are often looked with suspicion by their superiors” (Çiçek, 2009a: 174-175). One case which shows how Aygan sanitised acts of torture and concealed his involvement is the Abdülkadir Çelikbilek case. With regards to Çelikbilek’s torture and killing, Aygan said, “Kemal Emlük, Sergeant Abdülkadir Uğur with the codename Apo, Sergeant Uğur Yüksel with the codename Şehmuz and I took Abdülkadir Çelikbilek to JİTEM with a Toros car near the post office in Diyarbakır, based on the charges that he supports and finances the PKK and is involved in smuggling. During his interrogation, we realised he did not have any money, he was a poor man, so we got suspicious, but we had already taken him. When JİTEM takes someone, it does not leave him alive. Şehmuz Sergeant killed him by strangling. His body was put in the back of a white hatchback car” (Şahan and Balık, 2004: 58). Yet, when we look at the testimony of the family, the forensic reports and the ECHR case documents, what we see is that Çelikbilek’s body was severely tortured, his nails were removed, plastic was melted, and cigarettes were put out on his body. The family’s submissions to the ECHR stated that “Marks of torture could be seen all over his body. It looked as if the skin on the soles of his feet had been pulled off with pincers. His arms, legs and head looked as if they had been skewered. His whole body was black and blue, and there were marks on his throat” (ECHR, 1999).

Like Demir and İpek, Aygan also gave information on the killings of the Kurdish politician Vedat Aydın and the Kurdish author Musa Anter. He specifically highlighted that although he was among the team who scouted Aydın's house and who planned Anter's killing, he was not among the teams who killed them (Şahan and Balık, 2004:48). After his confessions concerning Anter, a journalist in *Hürriyet* newspaper brought together Aygan and Anter's daughter in Sweden, which was published on the first page of the paper's Sunday issue on 22 January 2006.[251] Kalkan's book on the meeting, titled *Katille Buluşma- Bir Jitem Dosyası: Musa Anter Cinayeti* [Meeting the murderer – A JİTEM file: The Killing of Musa Anter] was pulled from the market following a lawsuit. In an interview, Aygan said, Anter's daughter asked him whether he would kill his dad if he were ordered. He said: "Should I have lied? Should I have told that I would not kill her dad? I respect Musa Anter. I read his book *Kımıl* when I was at the secondary school. But all these had been planned, and I was chosen as the aide of the person who was going to kill him. If I had been ordered to kill him, I would have either had to commit suicide or waited for them to kill me, in order not to fulfil their order".[252]

Another crucial case that Aygan confessed was the forced disappearance of Murat Aslan. As I mentioned in the Introduction, Aslan was abducted by JİTEM officers near his home in Diyarbakır in June 1994, which was confirmed by the eyewitnesses. The family found out about his fate when Aygan's confessions were published in *Özgür Gündem* newspaper in March 2004. Aygan said "Murat Aslan was forcibly taken into a *Toros* car in Yenişehir, near Diyarbakır municipality and was brought to JİTEM, Abdülkerim Kırca was there. He was then taken to the Silopi JİTEM Command Unit. After he was interrogated under torture, he was taken to a place near the Dicle River. He was burnt after being killed. The river was near Körtük village".[253] Despite the investigation launched following the exhumation of Aslan's body, Abdülkerim Kırca received a Commendation Medal from the President Ahmet Necdet Sezer on 23 December 2004. Kırca was never interrogated regarding the case,

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[251] Ersin Kalkan, 'Babamın katiliyle buluşmaya nasıl karar verdim', *Hürriyet*, 22 January 2006, retrieved from http://www.hurriyet.com.tr/babamin-katiliyle-bulusmaya-nasil-karar-verdim-3825189
[252] Neşe Düzel, *Taraf*, 26-29 January 2009
[253] 'Mahkemeden Ölüm Tarlasına', *ülkede özgür gündem*, 11 March 2004, retrieved from http://bianet.org/bianet/insan-haklari/30864-mahkemeden-olum-tarlasina

and none of the defendants was detained. The family took the case to the ECHR in June 2008.

Another case that both Ersever and Aygan confessed was that of Ayten Öztürk, a young Kurdish woman who was abducted near her house in Mazgirt, on 27 July 1992. She was brutally tortured, killed and buried in the cemetery of the unknown. Before her abduction, her father Hıdır Öztürk was called by the Tunceli Gendarmerie Regiment Commander and was told that one of his daughters was planning to join the PKK. He was asked to bring his daughters with him for a conversation with 'Mahmut Bey' aka *Yeşil*. Öztürk was abducted shortly after her interrogation by *Yeşil*. Her body was found about ten days after her abduction. The family could not initially recognise their daughter as her body was severely tortured and mutilated. Appearing before the Parliamentary Human Rights Commission's sub-commission to enquire violation of the right to life in the context of terror and violent incidents in 2011, Ayten Öztürk's father Hıdır Öztürk said "I stand here as a father who has been crying for nineteen years, four months and twenty days, whose heart has been torn out, who has been dissolving in tears every day, who cannot sleep day and night… I stand here as the father of a young woman whose ears were cut off, whose eyes were gouged out, whose body was mutilated".[254] Although Öztürk's body was found about ten days after her abduction, the autopsy report stated that the body remained in the grave for over two months due to which her eyes, ears and the skin on her head and face decayed and the mutilations on her body occured during the exhumation.[255] The investigation into her killing was never concluded. Although Aygan's revelations prompted increased media coverage into the case, however, despite the family's successful application to the Constitutional Court for violation of the right to an effective investigation, there has been no development in the case to date. This horrific case appeared in both Ersever's and Aygan's confessions as just another act committed by the mysterious *Yeşil*.

[254] İnsan Haklarını İnceleme Komisyonu Tutanak Dergisi, 13 December 2011, p.1 https://www.tbmm.gov.tr/develop/owa/komisyon_tutanaklari.goruntule?pTutanakId=487
[255] İnsan Haklarını İnceleme Komisyonu Tutanak Dergisi, 13 December 2011, p.5; Also see, Gökçer Tahincioğlu, 'Kızımın gözlerini çıkarttılar', *Milliyet*, 26 June 2016 http://www.milliyet.com.tr/-kizimin-gozlerini-cikarttilar--siyaset-ydetay-2268710/

Aygan's confessions have been the most consequential one in terms of the media coverage and the number of investigations and prosecutions they led to. In addition to Öztürk's case, the investigation into the killing of Musa Anter, which was stalled for 17 years, continued to the prosecution stage[256] and was combined with other separate JİTEM trials. Following Aygan's confessions, the person who shot Anter was arrested. In addition, the documents he revealed confirming his employment with JİTEM, that were signed by Staff Colonel Nurettin Çakır, and his payslips have been key in confirming JİTEM's existence. The documents constituted crucial evidence for the ongoing JİTEM trials, countering constant denials by the military.

Except for Arif Doğan, who claimed to have Aygan killed, no state official responded to Aygan's confessions. It was only after the suicide of Abdülkerim Kırca, a JİTEM commander mentioned in Aygan's confessions, that the General Staff made the following statement: "Recently, there have been incriminating news in some press and media outlets based on the statements of a pseudo-repentant about the retired Gendarmerie Colonel Abdülkerim Kırca who had been wounded in a clash he had with the terrorists in Serik/Antalya on 10 April 1998 and who is in need of care. As it was stated on the Weekly Press Conference on 16 January 2009, groups who need to be responsible and sensitive during the prosecution stage need to show some rigour and sensitivity. Outlawing people and institutions as though through a summary execution is not only against human rights but does not comply with any of the legal or moral rules"[257] (Çiçek, 2009a: 175). All high-ranking military officials were present in Kırca's funeral which was organised as a Type A Protocol Military Funeral, despite the serious allegations laid against him.

In his confessional performances, Aygan positioned himself as a witness and as an aide, distancing himself from JİTEM's acts. When the journalist Neşe Düzel asked him how many persons he killed during the time he worked in JİTEM, Aygan responded: "If you ask me how many killings I witnessed… I witnessed approximately 30 cases. Not all JİTEM group commanders were the same. Some of

[256] 'Musa Anter Dosyası 17 Yıl Sonra Yeniden Açıldı', *Bianet*, 3 April 2009, retrieved from https://m.bianet.org/bianet/ifade-ozgurlugu/113606-musa-anter-dosyasi-17-yil-sonra-yeniden-acildi
[257] 'TSK'dan 'Abdülkerim Kırca' açıklaması', *NTV*, 20 January 2009, retrieved from http://arsiv.ntv.com.tr/news/472788.asp

them were getting such things done, some were not. They were only doing intelligence gathering, reporting, coordinating the informer and agent network. Besides, I had several other jobs in JİTEM".[258] Aygan described his job as 'civil' employment and gave a detailed description of his administrative duties in stark contrast with his role as an interrogator, torturer and hitman. "We were recruited as civil servants, but they used us as interrogators, they made us do everything".[259] Although in his interviews with Kurdish journalists Şahan and Balık, Aygan argued that he was complicit in the acts of JİTEM, and that he either witnessed or was directly involved in those acts (Şahan and Balık, 2004: 71), in his later interviews he emphasised the chain of command and his submissive and passive role without assuming responsibility for the acts he committed. Arguing that "No civil servant or subordinate would do something like that without the instruction of their superiors"[260], he highlighted the impunity of the higher-ranking officials. "The courts put the repentants in the dock, not the actual guilty. My brother! These people did not have the 'repentant' status when these crimes were committed… They were the official civil servants of the state. We have registration numbers. We served the state for ten years. We worked under the command of the generals you appointed. Where are those generals? I am declaring their names one by one from top to bottom… Who is guilty? Those at the bottom or those at the top? If the courts will crack down on this seriously and sincerely, they should start from the top… If they cannot start from the top, then they should start from the middle. If they cannot prosecute majors and generals, then they should start from the lieutenants.[261]

Like in the other confessional narratives, Aygan often resorted to self-victimisation, telling how he also suffered and how his life became unbearable. "I was put in a criminal position by the state against my own people. This damaged my conscience. While I hated alcohol before, now I was drinking two-three times a week" (Çiçek, 2009b:145). He explained that because of his depression stemming from what he 'witnessed'[262], he started smoking heavily and drinking every day to forget

[258] Neşe Düzel, *Taraf*, 26-29 January 2009
[259] Hakan Akçura, 'Gerçekler bilinsin yeter', *OpenFlux*, June 2008, retrieved from http://open-flux.blogspot.co.uk/2008/07/tempo-gerekler-bilinsin-yeter_02.html
[260] Neşe Düzel, *Taraf*, 26-29 January 2009
[261] Dilek Yaraş, *Haber Ajanda*, October 2012, p. 100
[262] Neşe Düzel, *Taraf*, 26-29 January 2009

everything, and that his wife received psychological treatment for four years and his family life was ruined (Çiçek, 2009b: 186; Şahan and Balık, 2004: 70). "The damage on my personality was caused by my work at JİTEM. One can govern one's will only for a while. After a certain point, one gets weaker and ends up being defeated by the environment and the conditions" (Çiçek, 2009b: 186). In addition to self-victimising narratives, another strategy Aygan used to deny agency was blaming the circumstances. In an interview, he responded to the journalist's rhetorical question about how he kept justifying himself as follows: "I have shortcomings and mistakes like anyone else. I am not claiming that all the steps and the decisions I took were right. But if your material and moral conditions force you to do something, and if you don't have an alternative, you have to do it. And if you cannot justify it, you would get depressed or go mad".[263]

In his confessions, Aygan often complained about how JİTEM officials did not trust PKK repentants, as in their eyes they were 'Kurdish and former PKK members'. "For years we looked on, even helped, killing our own people in the name of state duty. But the state officials that we worked together would still not trust the 'former PKK members'" (Çiçek, 2009b: 183). With feelings of resentment, he complained that they were discriminated against because of their Kurdish identity, by those residing at the military's residential blocks, where they were given a flat. "It was not possible for the 'former terrorist' label on our forehead to be removed. Because of that, my children were also being discriminated against. Although their fathers and we were fighting against the same enemy, against the 'terrorist separatists', the children of the police officers and military officials were not playing with our children. Who knows what their mothers and fathers were telling the children about us. The children cannot be guilty… They were conditioned as racists and enemies of the Kurds from an early age" (Çiçek, 2009b: 128).

Aygan's confessions were initially only covered by the Kurdish and opposition media with a focus on the disappearances and extrajudicial killings, with the mainstream media being silent until there have been legal developments in the cases he confessed.

[263] H. Hüseyin Tahmaz and Enis Tayman, 'Bir Kaçış Hikayesi: Firari Eski Jitemci', *Tempo*, July 2008, retrieved from http://open-flux.blogspot.co.uk/2008/07/tempo-gerekler-bilinsin-yeter_02.html

On the other hand, the authors and the journalists who wrote down Aygan's confessions faced prosecutions on the charges of 'making the state officials who have taken part in counter-terrorism the target of the terrorist organisations'. State officials have remained silent at the face of Aygan's revelations, and none of the trials duly initiated has yet resulted in any convictions.

Common patterns

The confessional narratives of PKK repentants share many commonalities, apart from the fact that the repentants are all Kurdish former PKK militants turned death squad members. As both the timing of their confessions and their narratives indicate, their motivations to confess oscillated between remorse, betrayal and revenge, which shaped the way they recount the crimes they committed. Aygan's remarks are illustrative of this contradiction: "It is understandable for an ordinary person not to trust me. But I am betraying those who betrayed me. Why would someone speak out? One feels remorse and speaks out. And also one speaks out when he is betrayed. When he understands that he was deceived, used, cheated and when he sees that he is thrown away like a napkin when they are finished with him. This leads to a feeling of revenge. Healthy people would want to take revenge on that. Both the organisation and the Gendarmerie betrayed me".[264] Confessional performances of Aygan, Bilgiç, Demir and İpek all reflected such conflicting feelings.

Their performances as remorseful, decent and well-behaved people clashed with the lapses of silence, denials and evasions in their narratives. PKK repentants rarely resorted to justification in explaining their acts in those statements, they rather reconstructed their meaning. By minimising the injury and diminishing the wrongfulness of the acts they committed through euphemisms, codes and ambiguous descriptions, they sought to break the link between the act and its consequences. In contrast to the gruesome details of the cases as described by the testimonies of the victims' families and the human rights organisations, their narratives drew a sterile picture with no mention of torture. Furthermore, they objectified and normalised their

[264] Neşe Düzel, *Taraf*, 26-29 January 2009

acts as inevitable consequences of their personal trajectories. Although Demir and İpek did not talk much about their childhood in their confessions, mainly because of the form of their confessions, they all normalised their actions both prior to and after joining JİTEM by providing a trajectory of their biographies. They narrated their politicisation and participation in the PKK in a causal and linear way, often following their experience of state-inflicted violence, as a victim or a witness. Likewise, their collaboration with the Turkish state appeared as a necessity and the only choice available to them at the time. These 'sad tales' in Goffman's sense in which they construct their acts as inevitable consequences of their personal trajectories helped them to disavow both the meaning of the crimes they committed and their personal responsibility. Additionally, they presented their criminal past as their 'expertise' on the war and the PKK and engaged in political analysis of the situation. Both Bilgiç and Aygan positioned themselves as impartial and on the side of the 'people', by giving examples of the wrongdoings committed by both the military and the PKK, which helped them to justify their decisions to have left both groups. Hence, they disavowed the meaning of torture, extrajudicial killings, and disappearances they had committed.

PKK repentants' subject positions in their confessional narratives were often quite volatile. They denied any agency, intent, autonomy or choice in relation to the crimes they committed or were involved with, by highlighting their vulnerable position due to their 'repentant' status and arguing that they had to obey the orders not to be eliminated. Besides their emphasis on chain of command, necessity and self-defence arguments, they appealed to higher loyalties such as their families (Cohen, 2001; Sykes and Matza, 1957). By shifting the blame to their superiors, environments and circumstances, they denied their agency, hence responsibility. In some cases, by referring to the complicity of other state officials and arguing that 'everyone was doing it' or 'everyone had to do it', they shared their guilt, and diffused responsibility. Also, they often positioned themselves as witnesses or as passive aides when describing the acts of violence. This can be seen in the grammatical structure of their sentences. While those, who perpetrated the atrocities, appeared as 'they' in their narratives, 'I' was lost. Bilgiç, for example, said, "They would arrest someone for aiding the PKK and then would release in return for ransom or something else they demanded" (Çiçek, 2009: 105).

The other common strategy they employed is splitting. With references to their good deeds during their JİTEM years, or to their feelings when they had to do things they did not want to, they split their wrongdoer selves from their confessing selves. Through remarks such as 'I never got used to it', or 'it wasn't part of my nature', they established continuity with their confessing subject. Demir, for example, referred to himself as a socialist and left-wing person, which reportedly made him question his acts every day. They either established themselves as already conscientious and against the acts they *had to do* or admitted to wrongdoing and argued that they had changed. Presenting themselves as transformed following their experiences, they talked about the positive side of confessing and the self-reconciliatory power of confession. In both cases, the confessing subject superseded the subject of the wrongdoing, hence effacing responsibility.

Self-victimisation and positioning themselves as yet other victims of the war also worked to efface their agency and their responsibility. They disclaimed their pasts through references to the breaking points in their lives and the transformations they went through. Narratives of self-transformation, self-victimisation or narratives establishing the act of wrongdoing as an exception create a gap between the subject of the deed and the subject of enunciation. What we have are three different selves in one person, PKK militant, PKK repentant in JİTEM and PKK-JİTEM repentant. The video-interview that Hakan Akçura, an artist, conducted with Aygan is indicative of this division. Akçura divided the interview into three parts, asking Aygan to sit in different positions, wearing different clothes and if possible using the language of the person representing each position.

A crucial distinguishing factor of PKK repentants' confessional narratives from other confessions is their different treatment and the reactions of the authorities which undermined them as unreliable. Aygan, Bilgiç, Demir and İpek were the only defendants imprisoned in the trials regarding the cases they confessed. They were all accused of lying, and being unreliable as they 'betrayed' both the PKK and JİTEM. The officials who spoke claimed that they did not have a crucial role in the military intelligence or operations, making it seem like they are bolstering about their roles. The media questioned their motives. I argue that it was their Kurdish identity which

separated them from other Turkish state actors that made confessions. As Fanon writes about the colonised, the colonised subject, regardless of the fact that they collaborate with the state or not, appear as incapable of truth. Their values are always contingent on the presence of the Other, says Fanon. “Whenever he comes into contact with someone else, the question of value, of merit, arises” (Fanon, 2008:163). Although other lower-ranking state actors that made confessions, like Çarkın were similarly silenced, public reactions towards PKK repentants have been different, often with an emphasis on their Kurdish identity and their former links with the PKK.

Although this is one of the aspects that failed their confessional performances, PKK repentants presented the fact that they split from both the PKK and JİTEM by making confessions as what gives the truth power to their confessions. The only time they assumed an active subject position was in relation to their decisions to leave their roles both within the PKK and the Turkish army and to make confessions. While they mostly referred to their feelings and external causes in their explanations about why they joined both the PKK and the military, their decisions to make confessions appeared as well-thought rational decisions they made to correct a mistake. Their double confession status turned them into truth-tellers.

CHAPTER 6: (DIS)AVOWAL OF STATE VIOLENCE

Introduction

Confessions of Turkish state actors on state violence against Kurds during the 1990s have been circulated by the Turkish media as 'shocking', 'bomb-like' statements, or as 'statements that will shake Turkey'.[265] The opposition media, on the other hand, presented the confessions as crucial revelations shedding light on the darkness of the past. Yet they were bombs that never exploded and statements that never shocked or shook the country. Some of these confessional narratives provided factual information on several cases of disappearances and killings leading to widespread media coverage, judicial investigations and prosecutions, as well as exhumations of certain locations where the disappeared were buried. Even though the judicial processes were not effective and have not resulted in any convictions to date, the information revealed by confessions helped some families to find out the fate of their loved ones and have a decent burial for them. Yet the knowledge of the sufferings of the Kurds, which have already been revealed by human rights and parliamentary reports, media reports and victims' testimonies, and further confirmed by perpetrators' confessions has not led to a public acknowledgement. Confessions, considered as the 'most authentic form of truth-telling' failed to challenge the Turkish society's silence and indifference on state violence and hate crimes against Kurds. They equally failed to create a strong public demand for accounting for the past in Turkey.

Although it was not just the lack of knowledge of the Kurds' sufferings which led to the wider society's silence and indifference, their silence and indifference created a fruitful atmosphere for the emergence of perpetrators' confessions, particularly heroic and patriotic performances. Regarding the photographs of torture of the captured Vietcong rebels that appeared in the British and American press, Amery (1980: 23) states that the admission of torture, the boldness of coming forward with such photos

[265] For example, 'Ayhan Çarkın'dan yine bomba açıklamalar', *5N1K*, 22 March 2011, retrieved from http://www.cnnturk.com/video/turkiye/2011/03/22/ayhan.carkindan.yine.bomba.aciklamalar/311110.451731/index.html. Also see, 'Atilla Kıyat'tan şok edici açıklamalar', *Haberturk*, 3 August 2010, retrieved from http://www.haberturk.com/polemik/haber/538375-atilla-kiyattan-sok-edici-aciklamalar

is explicable 'only if it is assumed that a revolt of public conscience is no longer to be feared'. The bold admission of atrocities by the very perpetrators in the case of Turkey and the complicit media's sensationalist coverage similarly indicated the assumption that there would be no revolt of conscience. Entrenched impunity for human rights violations committed by state actors formed the basis of that assumption.[266] The reasons for silence, indifference and denial of the wider Turkish society in the face of gross atrocities against Kurds (and other minorities) are manifold, which can only be grasped through an analysis of the forms of denial of past gross atrocities that formed the basis of the Turkish Republic. My objective in this thesis is to demonstrate why the confessional narratives failed to break this silence, and how they contributed to maintaining the silence. I argue that perpetrators' confessions did not necessarily reveal what happened during the 1990s, but hid the facts, obscured responsibility and accountability for past crimes and served to further mystification of 'open secrets'.

The last two chapters presented an analysis of the confessional narratives of high-ranking and low-ranking state actors who were directly involved in state crimes against the Kurdish civilians during the 1990s and how their confessional performances efface guilt and responsibility regarding the atrocities they confessed. In this chapter, going further in my analysis of what confessions not only say but also do, I will present an overall comparative analysis, delving deeper into the performative effects of confessional speech-acts, and similarly I will discuss the wider implications of confessions' power to efface guilt and responsibility, to see what happens when such gross violence is confessed with no revolt of conscience.

Effacement of guilt and responsibility

Confession of wrongdoing is regarded as crucial for both legal and moral reasons as it supposedly acknowledges guilt and responsibility. However, as I demonstrated in the previous chapters, while appearing as acts being performed by a confessing subject

[266] For example, see Human Rights Watch (2015), *Turkey: No Answers for Kurdish Victims: Acquittals in Landmark Prosecution for '90s Security Force Killings*, 5 November 2015, retrieved from https://www.hrw.org/news/2015/11/05/turkey-no-answers-kurdish-victims

who avows wrongdoing and acknowledges responsibility, confessions result in certain truth-effects and subject-effects turning into a simultaneous avowal and disavowal of wrongdoing. Confessional narratives I analysed included both proud and patriotic performances as in the case of Ersever and Doğan and remorseful performances as in the cases of Aygan, Demir, İpek, Bilgiç, Çarkın and Avcı. Their confessions are defined with discourses of denial, excuse and justification and their narratives of state violence are 'deeply wrapped in fictional plots and phantasmatic images' (Aretxaga, 2000: 46), which work together towards the effacement of guilt and responsibility.

Effacement of what is said in the speech act of confession has been contended by various philosophers. Foucault argued that in a ritual of confession the one speaking is at the same time the one spoken about, leading to "an effacement of the thing said by its very utterance, but also with an augmentation of the confession itself, which must remain secret, and not leave any other trace behind it but repentance and acts of contrition" (Foucault, 2001: 166). Derrida's argument following de Man's essay on Rousseau's *Confessions* also echoes this position. He argues that confession neutralises the event it produces (Derrida, 2002: 158). Zizek similarly states that the candid cynical admission of guilt in confessions is indeed a false one. For him, it is "the ultimate deception, *the* way to preserve one's subjective position intact, free from guilt" (Zizek, 2000: 46). Confession is not necessarily an acknowledgement of responsibility, on the contrary, "one can avoid responsibility and/or guilt by emphasising one's responsibility or too readily assuming one's guilt in an exaggerated way" (Zizek, 2000: 46). In the previous chapter, I sought to demonstrate how the state actors whose confessions I analysed drew upon a large repertoire of neutralising accounts to efface their guilt and responsibility. I argued that either by reconstructing the truth of the act in a way that would leave them faultless and neutralise the wrongfulness of the act, or by reconstructing their subject position so as to relieve them of any responsibility, confessions helped them to disavow the meaning of the act, break the link between the act and themselves as well as that between the act and its consequences.

The common motif in the confessional narratives was the denial of responsibility, albeit through different strategies. The lines of demarcations across the confessional narratives of state actors lie on racial and power lines. While narratives of childhood

and personal lives occupied a big space in PKK repentants' confessions, those of Doğan, Ersever, Çarkın and Avcı focused on their professional lives and duties. PKK repentants' stories were more personal depicting a life defined by poverty, discrimination, violence, hopelessness and their acts often appeared as inevitable acts they committed because they had to. They denied any agency or intention regarding the acts they committed. Their act of confession constructed the wrongdoing as a linear and causal process, in which it became an inevitable consequence of the events they narrated. Those who were at the receiving end of the chain of command like PKK repentants and Çarkın, frequently depicted themselves as servants obedient to authority, and as cogs in the machine, distancing themselves from the wrongdoings they committed. Yet while PKK repentants appealed to obedience and necessity, Çarkın emphasised how his patriotic feelings were abused. and he was deceived and used by certain factions of the state. The denial of agency in the case of Avcı and Çarkın also took place through their references to their ideological conditioning, patriotic feelings and professionalism. Differentiating himself from the rest of the higher-ranking 'deep state actors' who justified their acts with references to national unity and security, Avcı rather blamed the system and the institutional culture for the wrongdoings.

Denial of agency, intent and choice is further supported through narratives splitting their selves into different states. As we can see in self-victimising narratives of PKK repentants and Çarkın, they often emphasised the difficulties of their jobs and depicted their lives as shattered and themselves as financially and psychologically depressed. Self-victimisation is a common theme in the narratives of perpetrators who engage in remorseful performances (Payne, 2008; Lazzara, 2016; Foster et al., 2005). Primo Levi's notion of the "grey zone" describes how perpetrators identify themselves as victims by recounting the physical or psychological effects of their violence on their own lives including drug or alcohol addiction, insomnia, anxiety, depression, or other scars of a tormented past. The suggestion is that "they cannot be held responsible for the violent acts they committed when they were also victimised by those acts" (Payne, 2008: 18). They are the victims of circumstances, their violent surroundings, upbringing, working conditions or their patriotic feelings and commitment (Krog, 1998: 77; Foster et al., 2005: 48; Payne, 2008: 235). PKK repentants presented themselves as the victims of the PKK, the state, their traumatic

childhoods and the war. Çarkın positioned himself as a victim of patriotism, nationalism, professionalism, his superiors, and the state as a whole; while Avcı was a victim of the system, corrupt institutional culture and ideology. One demarcation line between the narratives of lower-ranking and higher-ranking officers is that while self-victimisation was explicitly and strongly emphasised by PKK repentants and Çarkın, it was more implicit in the case of Avcı.

In addition to self-victimisation, narratives of self-transformation constitute another manifestation of splitting strategy. The speech act of confession is based on the split between the confessing self and the confessed self, which Terry (2006) refers to as the split between performative and constative selves. By reflecting on his past actions from a distanced position, the confessing self presents himself as a transformed and reformed person. In remorseful performances, confessing subjects' disclaim of the past and their past selves were more visible, as they expressed their remorse and regret. However, in patriotic confessions, the split was mainly a matter of time and necessity. They argued that what needed to be done at that time was done, their professional position at the time required them to act in that way, and what happened remains in the past.

Besides self-victimisation and self-transformation, perpetrators use 'distancing devices, euphemisms and/or minimalist language forms in the depiction of state violence' (Foster et al., 2005: 281). It is often the case in personal accounts of past experiences that speakers construct favourable representations of themselves and mitigate representations of experiences that tend to harm them (Hill and Zepeda, 1993: 197). They often avoid referring to specific acts of violence they committed and when they do they use euphemisms to describe them. In remorseful performances of PKK repentants, Çarkın and Avcı, they all minimised and distanced their acts through their uses of language and grammatical structures. When it came to instances of torture or acts that might be found reprehensible, they constructed the sentence in passive format or used collective pronouns. Such impersonal constructions distance the doer from the deed. The splitting technique is also observed in their attempts to distinguish their wrongdoing selves from their conscientious selves or their confessing selves, with references to their further transformation. Their narratives effacing their agency, however, are often present together with agency claiming

narratives. The display of their agency is mostly related to their feelings and their acts against wrongdoing or for a deed that can be considered as good. As a common pattern with remorseful confessions of perpetrators in other contexts (Foster et al., 2005; Payne, 2008; Huggins et al., 2002), they claim agency when they refer to their jobs, professionalism, their beliefs, ideals, ideologies while disclaiming it in their narratives of wrongdoings.

Confessional narratives of military officials at the higher end of the chain of command, including Ersever and Doğan included both literal denials and justifications. While they narrated the extra-legal and illegal acts they committed in a patriotic way and with a blatant indifference to the consequences of their acts and their victims, they provided justifications by contextualising their acts as heroic and necessary as part of counter-terrorism and national security policies. Proud of their achievements, successes, important roles in their organisations, they present themselves as self-righteous and 'entitled'. Like the narratives of state security personnel in different contexts (Foster et al., 2005: 291), their feelings of entitlement both arise from their nationalist ideology and professional roles. Wrongdoings against civilians are dismissed, and those who were abused are presented as 'terrorists' whose lives are not grieveable. The identity of the killed (PKK member, militia or sympathiser) immediately justifies the act itself serving as another rationalisation. Violent episodes appeared as reactive violence against a violent enemy. Their performances were often defined with self-praising accounts, emphasising their sacred duties and their self-sacrifice for the nation. When the evidence was too obvious to deny, they blamed the victims or individualised the wrongdoings in question by putting the blame on certain factions within the security or the military units who were acting in their own personal interests. Both Doğan and Ersever, while justifying their illegal and extra-legal acts, accused certain individuals (in the case of Doğan, JİTEM officers after his period, and in the case of Ersever, Yeşil). Besides the visible feelings of entitlement, high-ranking state actors also resorted to distancing techniques and euphemisms when describing violent acts.

Confessional narratives of the high-ranking state actors exemplify how entitlement and privilege are allocated in a social order, who has the right to speech, and whose speech is taken as authentic and sincere. The criminalisation of certain forms of

speech, circulation and promotion of others are inscribed in collective memories, which explain different reactions to the confessions of Turkish and Kurdish and high-ranking and low-ranking state actors. While Kurdish JİTEM officers, regardless of being the hitmen of the state, were deemed unreliable from the beginning, high-ranking officials continued to enjoy impunity. It is generally accepted that those who have direct experience of an event are considered to have the authority to speak about it. However, experience is not static, but it is "a set of events whose character changes when there are changes – through age, migration, illness, marriage, religious conversion and so on – in the subject position of the person or group which had shared those events" (Scott, 1991). Differing reception of the confessions of lower and higher-ranking state actors show that experiencing an event does not always give one the authority to speak about it. Even if one is the witness of the event, there are still specific rules required to be fulfilled for it to be performative, depending on the dominant social and political norms. Their performance certainly has an influence but their position with respect to the class, ethnic, social structure of the society is crucial in the reception of their experiences. Disposability and unreliability of PKK repentants for the state and the attempts to question and downgrade their confessions is a manifestation of that.

Substitutions

In addition to the effacement of guilt and responsibility through the strategies I discussed above, perpetrators' confessions involve a number of substitutions, which further limit the confessions' power to promote truth and justice. The first substitution takes place between the confessing subject and the confessed act. As I stated before, confession is hardly about the victim or the wrongdoing committed, it rather focuses on one's own feelings. Brooks (2005: 71) put this as follows, "the need to confess speaks *of* guilt, certainly, but it does not necessarily speak *the* guilt, does not locate that which most needs discovery and healing". The matter referred to in a confession is not necessarily the meaning of the confession (Brooks, 2005). While the past deed is confessed, the focus is on the immediate situation of the perpetrator, his psychology, his confessional performance and his narrative of the circumstances around the deed. The focus is on the perpetrator as the subject of the confession, at the

level of his speech act of confession, rather than the perpetrator who committed the wrongdoings he confessed. It is not about *what* happened, but *what* the perpetrator thinks and feels about what happened.

Sensationalist media representations focusing on the perpetrator often further feed into that substitution. The crucial information perpetrators might have and the media sensationalism over confessions often give the perpetrators undue power over the victims and the wider public. They gain priority over the deeds they confessed and those they victimised, and their knowledge of the past constitutes their power. In all cases I analysed there was a bigger interest in the perpetrators themselves than their acts and their victims. The interest in them hardly translated into an interest in the wider political and historical aspects of state violence during the 1990s and the sufferings of the Kurds. Except in cases involving high-profile individuals who were killed during the 1990s, such as journalist Uğur Mumcu, the perpetrators received far more significant attention than the victims. Following their initial confessions to the media or the publication of their books, they were interviewed multiple times by different media outlets. Demir, İpek, Aygan, Avcı, Çarkın and Doğan all appeared in flagship TV shows attracting large audiences, such as *32. Gün*, *Arena*, *Objektif*, *5N1K* as well as prime-time news shows. The books they authored or those written about them sold thousands of copies. Avcı's book *Haliçte Yaşayan Simonlar* had sold 567,000 copies in just two weeks following its publication.[267] Soner Yalçın's book *Binbaşı Ersever'in İtirafları* likewise was reprinted over 30 times by different publishing houses. These perpetrators have also been positioned as political analysts rather than state officials or security officers who committed wrongdoings, by being invited to TV debates to comment on the current affairs. In addition to Avcı's regular TV appearances, Aygan started a blog featuring his opinions on Turkish politics. While none of these perpetrators have been convicted for the crimes they committed, their blatant confessions on the TV, justifying, excusing or denying their acts, have added insult to injury for the victims. Misrepresenting information on victims, sanitizing the acts of violence, lying, using euphemisms and distancing devices, perpetrators have caused further victimisation. The brother of Tahsin Sevim, who was

[267] Hanefi Avcı'nın kitabı 2 haftada 600 bin sattı, *T24*, 5 September 2010, retrieved from http://t24.com.tr/haber/hanefi-avcinin-kitabi-2-haftada-600-bin-satti,96244

abducted, tortured and killed in 1993 in Silopi by JİTEM officers including Arif Doğan, said, "How can they be so unconscientious? I cannot stand anymore to see my brother's murderer on the TV. Has the human dignity ever been stepped on as much as it is being done now?"[268]

Such wide public and media attention on perpetrators is a common one. Payne's discussion of perpetrators' confessions in Latin America shows that audiences are intrigued by perpetrators, whether it is because they find them novel, mystifying, deviant or their power alluring. She discusses how the media transformed the unknown retired Navy Captain Adolfo Scilingo into an instant celebrity (Payne, 2008: 48). The mainstream media's portrayal of Scilingo was mostly in a positive light, as an uncomplicated and remorseful figure, while Osvaldo Romo Mena, an agent and a torturer at the secret police-military unit DINA was portrayed with a focus on the sadistic aspects of his confession (Payne 2008: 49, 134). They were all interviewed and appeared on TV multiple times, wrote books providing explanations on their experiences of the war or the conflict. The media's search for sensationalism is often combined with some perpetrators' search for status, fame, money, producing confessional performances which constitute a new level of violence over victims. In the case of the South African TRC, various scholars argued that the media tended to pay more attention to the perpetrators, granting undue status to them and undermining the testimony of the victims (Verdoolaege, 2005; Garda and Bird, 1997; Doxtader, 2011).

Sensationalist and dramatic media coverage of the confessions mainly focuses on the performances and the life stories of the confessants in a decontextualised and simplified way and they turn confessions into public spectacles over the figure of the perpetrator. The media, with its enormous power on confessional narratives "seek dramatic material and may distort a confession by reproducing only small segments of it: screams and sobs, anger or laughter, sneers or tears" (Payne, 2008:23). Lazzara's discussion of the TV interview with a Chilean perpetrator El Mocito discusses the dangers of media sensationalism which "leads the citizens to consume the past

[268] Tanju Özkaya, 'Babam, kellesini aldıklarının arasında mı?', *Zaman*, 7 February 2011, retrieved from http://www.haber7.com/guncel/haber/704617-babam-kellesini-aldiklarinin-arasinda-mi

voyeuristically rather than debate it vigorously or reflect on it productively" (Lazzara, 2016b). Such media spectacles were further reinforced by the sympathetic statements of the authors and journalists who interviewed the perpetrators. Robben (1996) refers to this risk as 'ethnographic seduction' by the perpetrators disarming the researcher of critical detachment. Among the cases that I analysed, it has been Avcı who has managed to seduce broad sections of the society including some leftist groups and establishing his image as an honest, sincere and conscientious state official. In the case of Aygan, Hakan Akçura, an artist and activist who interviewed him explained how his opinion of him changed after Aygan's confession as follows: "When I went to meet him, I was not even sure whether I would even shake his hand. But what I encountered was a genuine and a sincere person. Confession was not only a way of purifying himself but also of making an effort for a future he hopes for… Beyond the objective distance I was required to maintain, he became a person whose hand I shook without hesitation when the recording ended". Aygan, who received relatively more media attention compared to other PKK repentants, owing to the extent of his confessions, was even featured in a mainstream magazine with images of his family and his everyday life in Sweden where he sought asylum. In this nostalgic and romanticised interview, the journalist explained when she arrived at the place where she was going to meet Aygan, that she found before her a typical and sincere Anatolian man.[269] Both due to the seduction by the perpetrators, and the dominant social and political order where political violence is normalised, the books written on the confessions of perpetrators often failed to assume a critical distance with the perpetrator and to give a thorough analysis of state violence and its consequences. Not all media representations do that, however. Interviews which prevent the perpetrator from controlling the narrative and challenge their accounts might diminish their ability to deny responsibility. The Kurdish and left-wing media reported the confessions only with a focus on the atrocities confessed, the victims and the systematic character of state violence. Yet, they remained limited in scope and impact.

Just like the media spectacle is focused on the confessing subject and his performance of confession, the response of the perpetrator to the act he committed and its social

[269] Dilek Yaraş, *Haber Ajanda*, October 2012, p. 95

and political consequences remains limited at the level of his speech act. The idea is that the speech act sheds light on the darkness of the past, reveals the truth, contributes to justice and reconciliation, and hence redeems the perpetrator. In this way, the act of confession reduces the historicity of the act to the single act of confession and proposes the speech act of confession as the adequate response to the deed. I derive this from Freud's discussion of the potential cathartic effect of confession. He argued that while the most adequate reaction to a traumatic event is always a deed, words, for example, confession could also substitute for deeds. The speech act of confession substitutes the need for a deed to undo the wrongdoing, and it becomes the only necessary deed to undo the symptoms.[270] I contend that there is a similar process in the case of perpetrators' confessions. It is not anymore, a deed (giving testimony in the court, prosecution, imprisonment, self-transformation) but the speech act which satisfies the need for punishment and paves the way for absolution. The response of the perpetrator to the effect of the act he committed takes place through his speech act. Especially in countries where there is entrenched impunity regarding cases of political violence, the revelation of simple facts could become crucial. Aygan, for example, considered himself as aiding the justice through his very act of confession. Likewise, Murat Demir answered a question on his future expectations saying that: "We cannot prepare such a future for ourselves after all that. Maybe if Turkey is cleansed, if it adheres to the rule of law, and people close their eyes to the mistakes we made and forgive us. For me what matters is not being forgiven by the law. If people forgive us, if they welcome us saying 'Yes son, you also contributed towards this country having a brighter future'…". A similar expectation can be seen in Ayhan Çarkın's remarks, "I don't want the truth about the past to be buried. My sole aim is to help reveal the truth. I am giving this witness statement, and I would like the justice system to help me with that".[271] When questioned about the prevalence of torture during his time and why he has not accounted for it, Avcı said, "I cannot put everything in this book. Perhaps this could be another theme that I need to write about".[272]

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[270] See Freud's 'Studies in Hysteria' (p.11-12, 85) and 'On the Psychical Mechanism of Hysterical Phenomena' (p. 296).
[271] 'Mahkeme ifadesinde müthiş itiraflar', *Hürriyet*, 6 June 2011, retrieved from http://www.hurriyet.com.tr/gundem/mahkeme-ifadesinde-muthis-itiraflar-17968333
[272] Mirgün Cabas and Ruşen Çakır, *NTV*, 17 December 2012

Perpetrators who make confessions such as Aygan, Çarkın or Avcı in Turkey often limit their contribution to justice with their confessions, while resisting the legal implications of their confessions despite the gravity of the acts they confessed. Perpetrators' avoidance of the legal guilt while assuming moral guilt is an indication of the widespread substitution between legal and moral guilt. In the cases I analysed which expressed guilt and remorse, the acknowledgement of wrongdoing did not necessarily translate into a readiness to bear its consequences. Even those who have not resisted the idea of being prosecuted put forward a condition that those who gave the orders should be prosecuted first. Rather than taking responsibility for their own actions, they attached their guilt and responsibility to that of the others. Their guilt and responsibility turned out to be conditional. In *Remnants in Auswitchz,* Agamben argues that it is becoming common, especially in the public sphere, for confession of wrongdoing to supplant admission to legal guilt: "the contrite assumption of moral responsibilities is invoked at every occasion as an exemption from the responsibilities demanded by law" (Agamben, 1999). He contends that while the assumption of political or moral responsibility without the assumption of the corresponding legal consequences had characterised the arrogance of the mighty previously, this has been reversed today. Modern appropriation of the concept of guilt made it seemingly ethically nobler than to assume any legal guilt.

The substitution of moral guilt with legal guilt is evident in the case of remorseful confessional performances in Turkey. On the one hand, perpetrators expose themselves to the whole world through their confessions, on the other hand they escape from legal consequences of their confessions. Ayhan Çarkın often oscillated between his readiness to face justice and the injustice of sole prosecution of himself. "If I made a mistake, I am ready to pay for this. But the murderer is the one who gave the order. I am disgusted with all these". He added "I am there where justice is established. A truth commission, where we can talk about all these sincerely without reserve… Because only then I can give this a name. If you bring the person I call in front of me, I will reveal all. Otherwise, whatever you reveal blow up in your face. Don't you pity us?"[273] With regards to being prosecuted, Aygan said "There are ten,

[273] 'Ayhan Çarkın'dan yine bomba açıklamalar', 5N 1K, *CNN Turk*, 22 March 2011, retrieved from https://www.cnnturk.com/video/turkiye/2011/03/22/ayhan.carkindan.yine.bomba.aciklamalar/31110.451731/index.html

fifteen thousand unsolved killings. Everyone knows. There are lists. Bodies and bones come out. They don't ask 'Is it just a few pitiful repentants who did that? Is it just village guards, and sergeants?". Murat İpek similarly remarked, "We are ready to go to prison, let them sentence us to a hundred years. But it [justice] should work fully. If I am getting a hundred years, those who gave the orders should also get a hundred years. If hundreds will go to prison, I don't mind going to prison. But we are afraid. There is no state in Turkey. So, going to prison for nothing, serving a sentence just saying 'I killed this or that'… This would be like a torment for us."

As we can see in the simultaneous feelings of regret, remorse and feelings of being used in the confessions of the lower-ranking state actors, they moralise their guilt only to efface it soon after. While acknowledging their regret and guilt, they immediately efface it reminding their role as a low-rank civil servant or police officer who had to obey the orders. Aygan, when asked how he feels about having killed his own people, said "Imagine the worst feeling one can have, that's how I feel" which is immediately followed by "I feel like being used"[274]. His acknowledgement of guilt does not necessarily mean his acknowledgement of legal responsibility. As cases across the world show, including the well-known confession of Bill Clinton (Brooks, 2000; Tell, 2012), confessions are often made in a way denying legal responsibility. The substitutions taking place between the confessing subject and the confessed act, and legal guilt and moral guilt are further examples showing that confession is hardly about the wrongdoing confessed or the victim. Together with rhetorical strategies perpetrators use to redefine the truth of their acts or their subjectivities, which I discussed above and in the previous two chapters, confessions help efface guilt and responsibility.

Banality of guilt and violence

Another performative effect of confessional performances of Turkish state actors and sensationalist media coverage of confessions that deserves to be analysed separately, is the banalization of guilt and violence, whereby the confession of crime has become banal and been normalised with no social or legal consequences. There is not a one-

[274] Neşe Düzel, *Taraf*, 29 January 2009

way linear link between confessions and the banalization of guilt. Widespread impunity for state crimes, militarised public sphere "more statist than the state" (Navaro-Yashin, 2002:119), nationalist and militarised language of the media, and constant sacralisation of war in the 1990s' Turkey have already created an atmosphere in which violence has been normalised and cynicism has become widespread. Such an atmosphere has both prepared the ground for the emergence of a culture of confession in Turkey with regards to state crimes, and confessions have further fed into it by normalising guilt and wrongdoing.

As discussed above, in remorseful confessional performances, particularly by PKK repentants and Ayhan Çarkın, the confessed act was often naturalised and dehistoricized as an inevitable consequence of their personal and professional trajectories. In the case of Avcı, inevitability was constructed through references to his ideological indoctrination, the dominant institutional culture and the system. Both narratives define the potential to do wrong as part of human condition either by constructing it as inevitable or through defining themselves as just cogs in the machine, meaning that anyone in their position would act in the same way. In the case of heroic and patriotic confessions of Ersever, Doğan and others, they effaced guilt by either reconstructing the act as necessary and inevitable or by denying the wrongfulness of the act. Presenting the act as an inevitable consequence or as a justified act, one both absolves oneself of any guilt and invites the audience to share his perspective. The confessions that I analysed in this thesis and similar confessions in other contexts often invite the audience to empathise with their cases. While listening to Aygan for example, one cannot help but think that he had no other choice than getting involved in the state's killing mechanism. Or listening to Avcı's analysis of the widespread corruption within state security institutions and lack of training or the inadequacy of intelligence gathering, one cannot blame him. It is this invitation to the audience to share the perpetrator's guilt or his perspective that leads to the *banality of guilt*, in Peter Brooks' words.

Brooks' remark is based on the story in Albert Camus's *The Fall*, which is an illuminating example from the literature on the effects of confessing to others. In the book, Jean Baptiste Clamence, referred to as a penitent judge, confesses that on a November night in Paris, he heard a woman throw herself into the Seine and did

nothing to save her. Interestingly this crucial event, which forms the basis of Clamence's penitence, is told very briefly only after the details of other insignificant events. Through his public confession, Clamence both accuses himself and invites the others to do the same. He says, "Most often, on the other hand, we confess to those who are like us and who share our weaknesses. Hence, we don't want to improve ourselves or be bettered, for we should first be bound to be judged in default. We merely wish to be pitied and encouraged in the course we have chosen. In short, we should like, at the same time, to cease being guilty and yet not to make the effort of cleansing ourselves. Not enough cynicism and not enough virtue" (Camus, 1963:62).[275] I agree with Brooks' analysis that his response is not an attempt to regain innocence through penance but rather the claim that innocence does not exist, that guilt is general (Brooks, 2000:163). That is, when one confesses to the public engaging in a remorseful performance, one inevitably shares his or her guilt with his audiences. What the audience is left with is their share of the burden of guilt. The audience is implicated and made complicit through the objectification of guilt. Confession turns into an invitation to empathy. Although it is difficult to know one's motivations to confess, sharing the guilt, generalising the taint and the sin are among the common implications of confessions (Brooks, 2000: 166). PKK repentants and Çarkın have all made calls to their peers to come forward and confess. Such a generalisation is also visible in Avcı's confessional narrative which turned into a tool for him to confirm the decadent condition of the humankind in a corrupting system.

Besides sharing the guilt with the audiences by arousing their empathy, confessants also implicate their fellow perpetrators, through remarks such as "everyone was doing it" (Cohen, 1993, 2001). Blaming the system, those who gave the orders, or the circumstances, and hence diffusing responsibility is a common aspect of remorseful confessions. Perpetrators usually attempt to alleviate the burden of guilt and place part or whole of the responsibility on others or the circumstances (Hepworth and Turner, 1982:158). The "cog-theory" which is often put forward by lower-ranking perpetrators has also been used by the state actors in Turkey. This argument implies

[275] Felman (1992: 201) analyses Camus' *The Fall* through the notion of witnessing, and considers it as an allegory of deafness and the muteness of the world to the extermination of Jews and of the *radical historical crisis in witnessing*. Although the narrator can be constructed as a witness to the suicide scene I mentioned above, I argue that the narrator also confesses his complicity in the act and his guilt of non-seeing, non-recording, non-documenting of the event.

that everyone participating in a system is a cog that keeps the system running and they can be replaced. What it means is "if I had not done it, somebody else could and would have" (Arendt, 2003: 29). Criminal prosecutions of cases involving political violence do not put the machine on trial but rather the cogs, and it distinguishes between the doers of the deeds and those who indirectly allowed it to happen, which Arendt (2003) considers as an advantage of the justice system. Perpetrators' implications of other cogs in the machine often try to blur the "abyss between the actuality of what [they] did and the potentiality of what others might have done" (Arendt, 1963) or what others did. From Aygan to Avcı, perpetrators' confessions in Turkey have often implicated either their fellow perpetrators or their superiors.

As discussed before, confession reduces the totality of the state crimes and state responsibility to the level of the individual, which is necessary for the criminal justice to function. It situates the confessing subject who admits the wrongdoing and acknowledges his guilt as the locus of responsibility. The totality of state violence is lost in their psychological or individual accounts and partial constructions of the past. Without forgetting the significance of the forensic truth for the victims, confession of trivial aspects of the perpetrators' psychology often works to depoliticise the acts in question. An individual account of systematic state violence leaves the wider political power producing the injury unchallenged (Brown, 1996: 186)[276]. Yet, while confession individualises the wrongdoing, the rhetorical strategies such as 'cog in the machine' argument, leads to the effacement of individual responsibility.

Also, although 'cog in the machine' arguments and sharing the guilt with others function to diffuse and efface responsibility, this does not mean that the system which turned its citizens into cogs can be left out of account (Arendt, 2003; Bauman, 2008). Regardless of the aim of the perpetrators in putting the blame on the system or their superiors, in political violence cases, there is a wider state mechanism at work that produces these criminal acts. That is one of the ways in which perpetrators position themselves as the victims of the system or their respective groups to establish an empathetic relationship with the audience. The problem with their references to the

[276] Although Brown (1996) makes this argument in relation to feminist valorisations of breaking the silence and confessional practices in feminist culture, I think it is relevant for political confessions as well.

system is that it is often elusive and ambiguous. There is always something beyond the reach of the audience, complicated relationships between state institutions and illegal bodies, personal and collective profits from the war etc. The system in their case becomes an empty word with no real reference. Shifting responsibilities in the modern bureaucracies is a matter of daily routine (Arendt, 2003; Bauman, 2008). However, in criminal prosecutions dealing with cases of political violence, guilt and innocence have a meaning only when applied concretely to real individuals in specific cases. In the case of perpetrators' confessions, blaming the system and diffusing responsibility function to disclaim agency and attribute guilt to an impersonalized system (Lazzara, 2016b), rather than making an analysis of the systematic aspect of political violence.

Unlike remorseful confessions, patriotic and heroic confessions attempt to justify the wrongdoing, hence efface the guilt. In their case, it is not guilt that becomes banal, but admitting the guilt, that is admitting their wrongful deeds that appear as justified in their confessions. By presenting their acts of violence as necessary and justified, patriotic confessions normalise violence. Wide public interest in the biographies of perpetrators such as Cem Ersever and the mafia leader Abdullah Çatlı and the frequent media appearances of state officials who are accused of crimes indicate this banalization of political violence in Turkey. Besides the impunity of perpetrators of state violence in Turkey and the complicity of high-ranking state officials and their encouraging comments, the most visible example of the banalization of violence in Turkey is the unprecedented interest in the popular TV representations of the mafia in the aftermath of the Susurluk scandal in 1996. As an example, *Kurtlar Vadisi* [Valley of the Wolves], a TV series about a nationalist mafia, is by far the most watched TV series in Turkey, has attracted higher ratings than live matches of the Turkish national football team.[277] The series led to many imitations, and the characters in the series have been role models for the nationalist youth in Turkey.[278] The characters in the

[277] Müslüm Yücel (2008), Evdeki Derin Okul, Mafya Dizileri, *Birikim*, 11 July 2008, retrieved from http://www.birikimdergisi.com/guncel-yazilar/230/evdeki-derin-okul-mafya-dizileri#_ftnref12

[278] The Turkish Psychiatry Association and the Association for the Mental Health of Children and the Youth have issued press releases warning about the impact of TV series such as Kurtlar Vadisi on the spread of violent tendencies among the youth in Turkey. See 'Kurtlar Vadisi şiddeti yayıyor', *Evrensel*, 22 February 2007, retrieved from https://www.evrensel.net/haber/249105/kurtlar-vadisi-siddeti-yayiyor Also see 'Kurtlar Vadisi Dizisi ile ilgili Basın Bildirisi', Türkiye Psikiyatri Derneği, 6 February 2007 retrieved from http://www.psikiyatri.org.tr/304/kurtlar-vadisi-dizisi-ile-ilgili-basin-bildirisi)

series were so internalised that a funeral service was organised by the series' fans when one of the characters was killed.[279] The National Intelligence Agency prepared a report on the sources of information that was used in the writing of the script of the series, which revealed the relations between the scriptwriter and the producer of the series, and some state officials.[280] The leading character, Polat Alemdar, is presented as a patriotic nationalist intelligence officer, who sacrificed his private life for the sake of the nation and the state, and everything he does in the series to that end is normalised. The ending of the first season of the series is even more striking. During the trial of Polat and his friends, Polat states that he committed all the killings he is accused of for the state, and he is acquitted.

This example reflects the situation in Turkey during the 1990s when Kurds were demonised as terrorists whereas the state security units and the nationalist organisations and the mafia who perpetrated political violence were exonerated. The form of violence has changed in the last three decades, yet violence against Kurds has remained as banal as before with no 'revolt of conscience' or effective legal prosecutions. Confessional narratives by state actors in Turkey, either in a remorseful or patriotic way, have not resulted in convictions, public reaction or political reform. The circulation of confessions in the media situated these narratives between fact and fantasy. While this atmosphere of indifference prepares favourable grounds for patriotic confessions, the rhetorical and performative strategies of confessing perpetrators which involve normalising, naturalising or justifying their wrongdoings contributed to further normalisation of violence.

Mystification and secrecy effect

State actors whose confessions I analysed did not always give an account of their acts, as they at times resorted to evasion and deflection in their narratives and avoided giving an account through deploying various strategies. While more visible in the case of patriotic confessions, it was a common motif across confessional narratives in Turkey, which I will discuss in this section. The most common strategy they resorted

[279] Müslüm Yücel, *Birikim*, 11 July 2008
[280] See 'MİT'in Kurtlar Vadisi Raporu', *Milliyet*, 19 May 2005

was employing a mystifying rhetoric, in a bid to blur the understanding of audiences. As presented in the second chapter on the performance and performativity of confessions, Scott and Lyman (1989: 126) consider mystification as a strategy for avoiding accounts, in addition to the referral strategy which involves designating superiors or others as the appropriate people to be questioned. Perpetrators using mystification strategy often argue that there are reasons for their acts, but they cannot tell what they are. Such accounts imply that there are secrets they cannot explain, which if known would explain the act. Such references have been present in all confessional performances in varying degrees, particularly in their descriptions of those who gave the orders. In that sense, confessions of perpetrators functioned as 'politically staged performances where confusion and confession worked to each other's benefit' (Taussig, 1992: 16).

The most well-known example of such mystifying rhetoric by the high-ranking state officials in Turkey is the remarks by the Interior Minister Mehmet Ağar after the Susurluk scandal "if I pull out one brick, the wall will collapse". Arif Doğan repeated this threatening and mystifying rhetoric in his leaked voice recordings when he said, "if I start talking, the whole world will turn upside down". Following the revelation that the Prime Minister Tansu Çiller received 500 billion Turkish liras from the discretionary fund, she said, "If I tell how I spent that money, a war will break out, the whole world would turn upside down".[281] In the confessional narratives of the lower-ranking state actors, one notices frequent references to *certain* factions or groups within the state who govern the country. Their avowal of what they know or *perhaps do not know* function to blur the truth further. As these quotes indicate, confessions are represented and reframed as if they are parts of a detective novel, film or a soap opera. In addition to their references to a vague notion of the *state* as the perpetrator, unexpected involvement of state figures, their intricate relationships with intelligence agencies, mafia, drug and arms trafficking, their involvement in assassinations of high profile public figures including members of their very own organisations added to these narratives a surreal dimension, which would be difficult to capture through the ordinary citizen's eyes (Aretxaga, 2005). The abundant information and proliferation

[281] See 'Eski Başbakan Mesut Yılmaz: Örtülü ödeneğin hiç denetlenmediği tek demokratik ülke Türkiye', *T24*, 21 April 2016, retrieved from http://t24.com.tr/haber/eski-basbakan-mesut-yilmaz-ortulu-odenegin-hic-denetlenmedigi-tek-demokratik-ulke-turkiye,337290

of speech about the past, particularly following the Susurluk scandal, led to a kind of belief that there might be more things hidden than what has already been revealed. This belief got stronger as new information and new networks surfaced.

I define this effect of confessional performances in Turkey as 'secrecy effect', following Derrida, Foucault and Horn (Horn, 2011; Derrida, 1994; Foucault, 1986). According to Derrida, secrecy effect is the awareness that a secret exists, which, especially in the context of power relations, can have a greater impact than a real secret. In his words, "Wherever knowledge can only be supposed, wherever, as a result, one knows that supposition cannot give rise to knowledge, wherever no knowledge could ever be disputed, there is the production of a secrecy effect, of what we might be able to call a speculation on the capital secret or on the capital of the secret" (Derrida, 1994). Derrida develops this argument following Foucault's commentary on Raymond Roussel, a French writer who used homonymic puns in his books, which he kept as a secret until the moment of his death and the publication of his posthumous book *How I Wrote Certain of My Books*. The book, however, "hides as much, if not more, than it promises to reveal". Although its aim is 'to explain', "what it does is to leave one effect, that is to create doubt" (Foucault, 1986: 8). Foucault argues that Roussel kept "the secret by revealing that it is secret, only giving us the epithet but retaining the substance" (Foucault, 1986: 7). Revelations in the book urge one to look in more depth leading to "multi-levels of secrecy, one ordering the other, but without any one of them having a universal value or being absolutely revelatory" (Foucault, 1986:9). The reader is left puzzled not knowing whether or not there are any more secrets.

The mystifying rhetoric of the state actors who made confessions and revelations in Turkey led to a similar secrecy effect. Their references to the existence of a secret and that it cannot be revealed due to sacred reasons such as national security often sufficed to contain public reaction. Although some of the facts told by the confessing state actors could be confirmed with the testimonies of the victims and forensic evidence, not everything they said could be attested due to their vague and sometimes conflicting statements. This mystifying rhetoric is not a unique feature of confessions I analysed, but rather has been a defining feature of the Turkish polity. Political decisions relating to the war with the PKK taken during National Security Council

meetings were often kept as 'state secret', helping the government to avoid parliamentary and public scrutiny. Likewise, the spendings from the 'discretionary fund' for 'counter-terror' operations could not be scrutinised by the judiciary despite many allegations of corruption.[282] References to 'state secrets' prevented the launching of investigations into the most crucial cases of political violence in Turkey including Susurluk scandal and disappearances and extrajudicial killings during the 1990s.[283] The existence of the secret has been effectively used as a governance tactic. It is this secrecy and the state's frequent references to 'state secrets' that have led to a greater belief in the power of transparency and confession. The revelation of the secrets by the state officials or by the media often led to excitement on the side of the public, but the lack of reaction in Turkey on the facts revealed makes one question whether the fascination is about the revelation of a secret or the secret itself. Circulation of confessions and lack of public reaction to the gravity of the confessed act implied that rather than questioning the content of the secret, the audiences were taken by its form and the power relations defining those secrets (see also Tatar, 2018).

The focus on the form of confessions rather than their content and the mystifying rhetoric of the state officials led to a fascination with those secrets which are reflected in the widespread rhetoric of conspiracy. The gap opened by fear, anxiety and helplessness with the constant revelation of the secrets was quickly filled with conspiracy theories. The circulation of conspiracy theories enabled the ordinary citizens to give meaning and form to the "fearful, ghostly reality of violence" (Aretxaga, 2005:197), making sense of it and hence alleviating the fear and anxiety caused by a world difficult to understand (Jameson, 1990). While the contents of the secrets were trivialised (Tatar, 2018) thanks to the media sensationalization, the mystifying rhetoric of state officials, widespread impunity and denial, secrecy and conspiracy determined the mode of knowledge that became prevalent in the Turkish society. The functioning of conspiracy is like the secrecy effect; it desires more secret

[282] Although a parliamentary inquiry commission concluded that Prime Minister Tansu Çiller should appear before the High Council for 'illegal use of discretionary fund', the Parliamentary General Council voted against it. See 'Çiller'e Yüce Divan Yolu Açıldı', *NTV*, 14 June 2000, retrieved from http://arsiv.ntv.com.tr/news/11253.asp. Also see, 'Siyasilere Yüce Divan yolu kapandı', *Hürriyet*, 30 June 2000, retrieved from http://www.hurriyet.com.tr/gundem/siyasilere-yuce-divan-yolu-kapandi-39164886

[283] The state officials prosecuted in the Susurluk case refused to give the court any information arguing that this would divulge state secrets. See 'Kayıp silahlar devlet sırrı, *Radikal*, 9 May 2001, retrieved from http://www.radikal.com.tr/turkiye/kayip-silahlar-devlet-sirri-597211/

plots to reveal constantly postponing the final moment of revelation (Fenster, 2008). This feeds into the fascination, imagination and expectation of the audience. This fascination makes complicit the viewer, who becomes the witness of an exceptional situation (Tatar, 2018). The frequent leaked tapes targeting different state officials at different times, conspiracy arguments about the Gezi Park protests and the 15th of July coup attempt and the political trials on the 'deep state' such as Susurluk and Ergenekon are all manifestations of this conspirational mode of understanding in Turkey. As Ertür (2016) puts it in relation to the Ergenekon trial, 'the case file itself can be said to conspire to obfuscate the truth of past atrocities'. In the aftermath of Susurluk and Ergenekon, secrets were revealed, confessions proliferated, creating "a ghostly reality spoken by all, seen by none" (Aretxaga, 1997:59). Fantasies and secrets became more powerful than their contents or their implications. In such an environment, revelations of 'state secrets' did not necessarily challenge the government but rather spread further conspiracies.

Confessions entangled with conspiracies and state secrets led to increasing confusion among the public making the whole situation incomprehensible, thus further deepening widespread cynicism among the public from the mid to late 1990s in Turkey. In her ethnography of the public life that in Turkey during the 1990s, Navaro-Yashin (2002:159) shows that, cynicism was the common structure of feeling that described the public experience of the political. Constant criticism of the state and state fetishism coexisted. Rather than challenging the state, such criticism reproduced it as fantasy and led to widespread feelings of despair, disillusionment, discontent that went along with criticism (Navaro-Yashin, 2002). According to Gerbner, modern confession, by naturalising the transgression, lead to a kind of powerlessness, passivity and tragic resignation on the part of the audience. Conspiracies, discourse about the complexity of circumstances not only distance people from reality but also deliver them from the responsibility to act (Zizek, 1994:5; Arendt, 1994). When structures of responsibility are difficult to find, engaging in denial gets easier. In Turkey, confessions, like conspiracies, remained as continuous endless allegations, which can never be validated. As the enthusiastic interest in the form of confessions and the lack of public reaction against the acts confessed indicate, confessions marked with mystifying rhetoric contributed to the cynical atmosphere.

Cynicism, although dominant in the 1990s, was not the only mode of understanding in Turkey. The 1990s were defined with widespread corruption, constant political crises that manifested itself in changing governments and coalitions and widespread political violence. Although political violence against Kurds was on the public agenda, the criticism of the state during the 1990s mostly focused on corruption, extra-legal activities of the state or its links with the mafia. With the AKP's coming to power in 2001, Turkey's political scene has changed and increasingly defined with the polarisation between the AKP, the military and the left-liberal opposition. Yet the polarisation between the dominant ruling groups in Turkey quickly turned into a collaboration against the Kurds. As it is visible from the widespread support to the government despite the ongoing political violence against Kurds that manifested itself in gruesome atrocities committed in a number of Kurdish towns in 2015 and imprisonment of thousands of political activists, what we have is not a cynical society, but a society that actively supports the official discourse against Kurds and on 'counter-terrorism' despite their polarisation along other lines. The indifference and the lack of reaction in the society towards the suffering of the Kurds as well as those who voice their concerns about state violence against Kurds makes it difficult for one to say whether it is because of the fear of the powerful, or a genuine inability to feel. Like confessions during the mid-1990s, the confessions in the early 2000s that were sparked by the Ergenekon trial have not focused on the acts confessed but rather functioned to delegitimise the military strengthening the AKP's hand in its power struggle. Atrocities against Kurds have hardly been the agenda of the wider public except for the human rights groups, left-wing opposition and the opposition media.

The power of confessions derives from the belief that they unearth the unknown, or what is known to the confessing subject. As my thesis intended to show, one can continue to keep something secret or not convey the truth in a confessional speech act itself. One can multiply or shift the secret in a speech act which purportedly aims to reveal it. This could be done in various ways including using a symbolic language and euphemisms aiming to disguise the content or through mystification and evasions from the topic. Confessional accounts in which such strategies are abundant disturb the audiences leading them into "infinite uncertainty" (Foucault, 1986:12). What we had in the aftermath of Susurluk scandal was precisely such an uncertainty that stemmed from proliferating confessions and revelations, using such a mystifying

language. Uncertainty and confusion created by not only secrets but also confessions, as I tried to show, blurred the line between what is real and what is not in the case of state violence. The confessional performances dramatised the general condition of the Turkish polity, defined with no candour and accountability.

Conclusion

This chapter provided an overall analysis of the performative effects of the confessional narratives of Turkish state actors I analysed in the previous two chapters. Confession is, on the one hand, a constative statement, revealing a wrongful act and on the other hand, a performative act, defined with excuses, justifications, evasions, silences and denials. The constative and performative aspects of confession are inseparable and undecidable. While the constative aspect of confession "proclaim the deed and the doer to the whole world", it also "tries to wipe out all traces of the crime" (Reik, 1959:19). Perpetrators' confessional narratives are dominated with statements to evade responsibility for their abhorrent actions, rationalise their misdeeds, and explain their lives in a way that would leave them faultless. Thus, confessions do not necessarily disclose truths about the past, but they provide a redefinition of the truth about the past and their subjectivity.

This chapter and the last two chapters also aimed to show how confessions challenge the binary between acknowledgement and denial or speech and silence. Telling the truth about the past is generally considered to break the silence and it is in that context that public confessions of perpetrators initially appear as forms of speaking truth to power. The theoretical framework I provided and the cases I analysed showed that silence is not necessarily the space of forgetting and power, and speech the realm of remembrance and resistance (Winter, 2010; Foucault, 1978; Docherty, 2012). While certain forms of speech can be silencing or can turn into a technique of domination, certain forms of silence can be revelatory. This is by no means to reject that silencing is often used by the political regimes to reinforce the existing order and prevent the truth about past political violence from emerging. But confessions do not always end silences. Silence, denial and confession are not mutually exclusive, but they can rather emerge as "complementary strategies that carry their own ideological, political, moral

and psychological weight, but are united by an irresolvable complicity in horrendous acts" (Robben, 2012:184). Both the silences and the speech of the perpetrators that deprive the victims of truth and justice are injurious acts.

Although the constative aspect of confessions has created unease among the power groups in Turkey, perpetrators' confessions have been subjugated and contained by the dominant power groups. An official discourse does not always engage in silencing alternative interpretations, and it is not based on simple lies or simple mystifications obfuscating the reality (Zizek, 2013; Brown, 1996:189-190). The states might allow certain forms of exposure to a certain extent. The very fact that it allows or does not prevent dissenting voices grant legitimacy to the dominant official discourse (White, 2010). As Turkish journalist and writer Yıldırım Türker says in relation to the revelations of Hanefi Avcı, while we can never attest their truthfulness, their revelations soften the tension between us and the state and they are declared as heroes.[284] The rhetorical strategies employed by the perpetrators ranging from denials, evasions, excuses, justifications while effaced their guilt and responsibility, have not posed a real challenge to the dominant truth regime in Turkey.

[284] Yıldırım Türker, 'Hanefi Avcı'nın suçu ne?', *Radikal*, 4 October 2010, retrieved from http://www.radikal.com.tr/yazarlar/yildirim-turker/hanefi-avcinin-sucu-ne-1021987/

CONCLUSION

This thesis aimed to examine the rhetorical and performative strategies that the perpetrators of state violence in Turkey employed in their confessional performances, and the performative effects of their confessions on their guilt, responsibility and accountability. My point of departure has been the critical studies on confession, particularly, by Foucault, Brooks and Hepworth and Turner, who challenged the trans-historical understanding of confession as a natural human need arising from the repressed feelings of guilt and resulting in catharsis and reconciliation, through their historical studies on religious and judicial confessions. I further discussed how this cathartic approach, deeply internalised in modern societies, has turned confession into a privileged mechanism in transitional justice processes across the world. In conversation with these critical studies on judicial and religious confessions, I scrutinised the relation between truth, confession and reconciliation, and addressed the failures and the limitations of institutionalised confessions in achieving their purported and desired effects in Chapter 1.

While these studies helped me to demonstrate the ambivalence, uncertainty and complexity of confessional practices in general, they had limitations in analysing public confessions of perpetrators, which function differently than institutionalised confessions. Public confessions do not follow prescribed conventions, are not extracted or validated by an authority and can take varying forms. Therefore, drawing on Payne's performance analysis and Derrida's and Butler's account of performativity based on Austin's speech-act theory, I proposed that performance and performativity theories can provide a better understanding of the functioning and the effects of public confessions of state crimes. I argued that public confession is both a performance and a performative speech act. A confessional performance appears as a sincere act of truth-telling performed by a founding subject. Yet, I argued that the performative effects of confession on truth and subjectivity work against its desired and purported effects of establishing the truth and responsibility and enabling reconciliation. In that sense, confession functions simultaneously as an avowal and a disavowal of the wrongdoing confessed and associated responsibility. This idea of confession as an act effacing itself is inspired by Foucault and Derrida, however, neither has developed this idea further. Although Derrida's account of confession based on Paul de Man's

essay on Rousseau's *Confessions* has been useful in my consideration of *confession as excuse*, I argued that Derrida's account remains limited in analysing complex confessional narratives of perpetrators of state violence. To analyse the rhetorical and performative strategies that perpetrators employ in their confessions, I resorted to the sociological studies on vocabularies of motive and techniques of neutralisation, which enabled me to consider different ways in which perpetrators neutralise their acts. However, I argued that their classification of confession, excuses and justifications into distinct categories do not stand on its feet when applied to empirical case studies.

In critical dialogue with these studies and based on my cases, I sought to provide a distinct theoretical framework for the analysis of public confessions of perpetrators in Chapter 2. I argued that public confession of state crime is not a straight admission of guilt and responsibility, but a performative speech act entangled with excuse, justification, denial, silence and evasion. While avowing wrongdoing and in some cases admitting guilt and responsibility, it simultaneously effaces guilt, responsibility and accountability by reconstructing the subject and the act in a way that leaves the confessing subject faultless and the confessed act not criminal. Appearing as an authentic and a sincere act of truth-telling in which the wrongdoer willingly and knowingly assumes responsibility for his acts, confession leads to the effacement of both the subject of the wrongdoing and the wrongdoing itself, which I referred to as *truth-effect* and *subject-effect* of confessions. Perpetrators' reconstruction of their subject position and the meaning of the act they confess by using rhetorical and performative strategies function towards the effacement of guilt, responsibility and accountability associated with the confessed act.

My analysis has shown that the failure of confessional accounts of perpetrators of state crime in Turkey in establishing the truth and responsibility arise from both structural and contextual reasons. Confessional truth-telling is one form of giving an account of an event among others, which cannot be separated from its eventful history. I argued that the configuration of the modern understanding of confession, which has largely been internalised in Turkey, is responsible for this failure. In the preceding chapters, I sought to show that confession is first and foremost a self-serving and self-interested act, that is, an act that focuses on the immediate situation of the confessing subject, rather than the act confessed or the victims concerned.

Confession is an expressive and interlocutory act which is shaped in response to an accusatory demand, whether external or internalised. This means that it mainly concerns the confessing subject, his reasons for having committed the wrongdoing in question, his psychology, and his guilt or innocence. Even the perpetrators, who engaged in heroic confessional performances and who did not express remorse or demand forgiveness for the acts they committed, expressed their rationale for the acts they committed. It is this self-expressive aspect of confession which turned it into a mechanism of social control and social inclusion throughout its history as well as into a mechanism of reconciliation and reintegration. Yet it is also this very aspect of self-expression which led to the failures and limitations of the confessional form of truth-telling in ascertaining truth and justice.

Chapters 4 to 6 included my analysis of the ways in which perpetrators of state violence in Turkey gave an account of themselves and their acts. The repertoire of the rhetorical and performative strategies that perpetrators employ to give an account of their wrongful acts vary depending on the historical, social, political and moral contexts. They also depend on the positioning of the perpetrator (particularly with respect to his professional status, rank, class, ethnicity and gender) as well as the form and the content of his confessions. Although I indicated similarities across different countries, I did not aim to produce a general account of the rhetorical and performative strategies that perpetrators of state violence employ. Rather than generating a list of strategies they use, I analysed how they reframe and reposition the act they confess and their subjectivity and discussed the consequences of this repositioning on their guilt, responsibility and accountability. My case studies have shown that both heroic and remorseful confessional performances attempted to reconstruct the truth about the act they confessed and their subjectivity in a way to disavow their responsibility and accountability.

The risks and limitations arising from these performative effects of public confessions, in general, are acuter in the face of state crimes, both because of the gravity and the nature of the acts committed, and collective responsibility and accountability in state crimes. The social, political and economic consequences of state crimes are far-reaching going beyond the individuals or the groups concerned affecting generations and the moral fabric of the society. The process of coming to

terms with the past hence is much more complicated compared to other crimes. There is a vast literature on the meaning and forms of justice for victims of state crimes. The appropriate mechanisms for justice and peace depend on the specific political context, form, duration, intensity of the conflict, as well as the relationship between the victims and the perpetrators and cannot be theoretically established. But what this vast literature reveals, in essence, is a combination of legal, cultural, social and political responses, at the level of state, community and individual, including prosecutions, reparations, commemorative practices, truth-seeking, institutional reform, educational reform, reconciliation initiatives, cultural responses are all necessary in different measures, to break the cycle of violence and to establish a legitimate rule of law (Gready, 2009).

In the case of Turkey, victims' associations and human rights NGOs have emphasised both the prosecution of those responsible, including the direct perpetrators and those who gave orders, as well as the peaceful resolution of the conflict providing the Kurds their social, cultural and political rights (Uçarlar, 2015; Yolaçan, 2008). As there has never been a genuine political transformation in Turkey paving the way to account for past state crimes, the quest for truth and justice has proven to be much more complicated compared to many other countries that have gone through similar processes. There has been widespread, systematic and entrenched impunity for the perpetrators of state crimes since the formation of the Republic. The dominant nationalist discourse that manifests itself in all state institutions and practices prepared the ground for the celebration of perpetrators as heroes fighting for national security, national unity and counter-terrorism.[285] Alongside this atmosphere of impunity and glorification of violence, accounting for past political violence has become even more complex as new atrocities have been added to Turkey's long list of state crimes following the urban clashes in a number of Kurdish towns in 2015 resulting in the death of dozens and forced displacement of hundreds (UNHCHR, 2017).

The meaning and effects of different acts of truth-telling about the crimes of the

[285] The perpetrators of political violence and state crimes in Turkey have been celebrated as heroes. For example, Hrant Dink's murderer was treated like a hero in the police station where he was detained. See, Ivan Watson, 'Turkey remembers murdered journalist', *CNN*, 19 January 2012, retrieved from https://edition.cnn.com/2012/01/19/world/meast/turkey-journalist-anniversary/index.html. Similarly, Ayhan Çarkın was brought to the court for the Susurluk trial on the shoulders of big crowds.

Turkish state need to be analysed in consideration of this specific context, which I discussed in Chapter 3. The complex nature of state violence in Turkey with grave historical consequences begs the question to what extent perpetrators' confessions can help to establish the truth and responsibility. The case studies I analysed have shown that the value attached to perpetrators' confessions in Turkey by victims' associations or human rights groups is mostly due to their constative aspect, that is, the facts and the forensic evidence they might reveal which could help with the investigation and prosecution of perpetrators. The constative aspect of confessions is also one of the reasons why the state attempted to punish the confessing perpetrators by prosecuting or threatening them, as in the cases of Demir, İpek, Çarkın, Aygan or Avcı in Turkey. By confessing, perpetrators act without authorisation and break the pact of silence in their respective institutions, which is one of the reasons for their exclusion and punishment by the state (Robben, 2012; Payne, 2008). Besides, it is not always predictable from the beginning what form perpetrators' revelations will take, what information they will reveal, who they will name. Neither such silencing attempts by the state nor the mobilisation of confessions by the victims' associations and human rights groups means that perpetrators' confessions about the past pose a significant challenge to the state power in Turkey. Although the perpetrators who made confessions in Turkey have been threatened with criminal prosecutions, none of them has been convicted for the crimes they committed, and no state official they named have faced judicial sanctions. My case studies have shown that the discourse of truth in perpetrators' confessions has further contributed to the denial of state violence in Turkey, by justifying, rationalising, glorifying, normalising or individualising the acts they confessed.

There are other contextual reasons for the failure of confessions of perpetrators to provide truth and justice in Turkey. First, what we are dealing with in Turkey is the confessions of state crimes that have not been accounted for. Aside from symbolic prosecutions which neither brought anyone to account nor revealed the full circumstances of the crimes, there has not been any serious step to account for state crimes against Kurds. In this atmosphere of impunity, providing a stage to the perpetrators to give an account of themselves and their acts is both a legal and an ethical issue. The fact that these confessions are public means that they are not limited by rules and procedures of judicial institutions endowed with the authority to assess

them. In judicial institutions, the focus is on the act. Although knowing, correcting and rehabilitating the criminal subject is one of the aims of the modern judicial systems, and the circumstances surrounding the criminal subject is considered as part of mitigating circumstances, one is still judged based on an act he committed. Rather than a "psychological or biographical account of why he has done what he has done" the court is interested in that "he has done it" and that what he has done is a crime, in most cases a crime against humanity (Butler, 2015:237). Otherwise, the complexity and the psychological conditions of crime and confession would "turn the courtroom into something from a Dostoyevsky novel. With the psychic innards of defendants displayed in all their abjection and histrionics, in their complexity and inextricable contradiction" (Brooks, 2005:71). The courts, instead, focus on the act and rely on traditional notions of responsibility to pass judgement (Brooks, 2000, 2005).

In contrast, the act is not at the centre of public confessions of perpetrators. As mentioned before, confession is mostly about the personal circumstances surrounding the crime and the psychology of the perpetrator. Considering the public and mediated aspect of such confessions, what is circulated through media – often in a sensationalist way – is not centred on the act or the victim, but on the perpetrator. In situations where justice is lacking for the victims, prioritising the perpetrators' discourse and failing to hold them to account add further insult to injury. Not only collective violence but also denial and indifference in the face of collective violence have corrupted and undermined public ethics in Turkey (Göçek, 2015). The fact that perpetrators of heinous crimes enjoy impunity, and they can freely speak about their acts without any social and legal reprisals deeply damage the sense of justice in Turkey.

Understanding perpetrators' motives, the institutional culture of death squads and the dynamics that contribute to the continuation of political violence are crucial to deter future atrocities. Yet, *when* and *how* perpetrators speak or should be given a platform to speak are crucial questions. Although explaining an atrocity and the motivations of the perpetrators is by no means exonerating such acts (Butler, 2002), perpetrators' public explanations of their past wrongdoings before they are held to account for what they did involves a risk of exoneration. What happens often is that the interest in the perpetrators' psychology and biography comes at the expense of the fact that they

perpetrated gross human rights violations. As my case studies and similar cases across the world demonstrate, confession grants undue status to the presence and voice of the perpetrator, "a position that may be neither justified nor just insofar as it overshadows the experiences of victims and survivors, blurs the difference between guilt and trauma, weakens the drive for prosecutions, and dilutes collective moral outrage" in Doxtader's words (2011: 269). Foster's warnings in relation to understanding perpetrators should be reminded here which argues that providing a psychological understanding of perpetrators might "diminish our outrage towards their acts, shift the deeds out of focus, and potentially draw our sympathies" (Foster, 2000: 10). There is a difference between those who actually perpetrated atrocious crimes and those who did not.

Perpetrators' denial of victims and the injury they caused through different rhetorical strategies raise major ethical concerns. What confessions do is reducing grave atrocities, whose consequences are still felt to this day, to mere sense.[286] The perpetrators narrate their acts of violence, which have unmade so many lives, in a sterile, distancing and rationalising language. This can be seen in the cases I analysed, in which grave acts of torture and mutilated and humiliated bodies of the victims have been reduced to merely an interrogation and killing. Furthermore, as my cases of remorseful confessional performances demonstrated, perpetrators often construct their acts of confession as an adequate act to undo the injustice done to the victims. Resisting legal consequences of their confessions, they try to trade 'truth' with justice. Although an individual's verbal act might suffice to undo the symptoms of his personal traumatic experiences, as argued by Freud, the cases that I studied show that it is never sufficient for victims and in the cases of collective acts of state violence.

Butler (2005) describes 'giving an account of oneself' as an ethical act. It needs to involve the other in a responsive and responsible way. When the account given concerns grave acts of violence and their victims, ethical considerations become more urgent. Confession, which is a self-centred form of accounting for oneself, can hardly achieve such an ethical stance. In *Giving an Account of Oneself*, Butler (2005) talks about ethical ways of accounting for oneself. There, she says "our willingness to

[286] Felman (1992) makes this argument in relation to the accounts of Nazi perpetrators about the Holocaust, which I think could be applied to other gross atrocities.

become undone in relation to others constitutes our chance of becoming human. To be undone by another is a primary necessity, an anguish, to be sure, but also a chance—to be addressed, claimed, bound to what is not me, but also to be moved, to be prompted to act, to address myself elsewhere, and so to vacate the self-sufficient "I" as a kind of possession. If we speak and try to give an account from this place, we will not be irresponsible, or, if we are, we will surely be forgiven" (Butler, 2005: 136). Whether the perpetrators' confessions transform themselves or their audiences is the most crucial question standing before us. As Lazzara (2016a: 143) argues in relation to narratives of civilian complicity in the post Pinochet Chile, relying on Butler, "if a confessional text is not open to transformative dimension, if the subject is not willing to become vulnerable or undone through a truly honest reckoning, then the narrative falls short of fulfilling its ethical potential. Where no expiation occurs, where no willingness to accept punishment or consequences exists, an ethical standard cannot be met". Both my case studies and other similar studies on perpetrators' accounts show that confessions "neither bears the character of communication or reflection. It does not aim at connecting with others, working something through or transforming understanding or experience (Brown, 1996:196). By controlling their self-presentation, rationalising and normalising their actions, perpetrators foreclose possibilities of transformation and are closed to self-transformation.

Although this thesis has been inspired by and has produced a deeply sceptical view of confession, my aim is not to provide a totalizing account of confession which would run against my rather historical and situational approach. Having defined confession as a performative and relational act, where the audiences' reception also influence its meaning, one cannot categorically deny that confessions of state crimes cannot lead to unexpected consequences. Performative acts, in the sense that Derrida and Butler use, have a potential for new possibilities. But these new possibilities are only possible with a change in the structure and context, including the reactions of the audiences. Although the representation of confessions of perpetrators in a way focusing on the act and the victims, as the left-wing and Kurdish media did in my case studies, might influence the meaning of confessional performances, it cannot change the structural failures of confessions.

As I argued throughout the thesis and tried to summarise above, the eventful history and the structure of the modern configuration of confession as a self-centred act run against any transformative potential. Tell (2012) attributes this failure to the expressive form of confession and argues that confession can take other forms which are not necessarily self-centred. Although I do not deny that the meaning and practice of confession can be transformed, I argue that the close link between confession and power throughout its history and internalisation of confession as self-expression significantly limit this potential, even if it does not make it impossible. My aim throughout this thesis has been to invite the reader to think about the complexities of confessional speech-acts and the risks and limitations of confessions in providing truth and justice for past state crimes.

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